

## Mullins, Donna

---

**From:** Talbot, Kristine  
**Sent:** Wednesday, April 19, 2017 1:31 PM  
**To:** Mullins, Donna  
**Subject:** RE: [REDACTED]

Great, thanks Donna. I will forward you what I have on the Safford case.

---

**From:** Mullins, Donna  
**Sent:** Wednesday, April 19, 2017 1:03 PM  
**To:** Talbot, Kristine <Talbot.Kristine@epa.gov>  
**Subject:** RE: [REDACTED]

Kristine,

I haven't heard from the USCOE. I will call David Madden tomorrow. By the way, I have been assigned the Jason Safford Case. I need to review what has happened so far. After that, maybe we could sit down and discuss the case.

Donna



**From:** Martinez, Maria  
**Sent:** Monday, October 30, 2017 9:44 AM  
**To:** Mullins, Donna  
**Subject:** RE: Workplan

Donna,

Thanks for forwarding your workplan. In lieu of meeting this week, I am sending you some follow questions:

1. What was the result of your discussions with Mr. Safford and contractor regarding the restoration plan?  
Please elaborate.

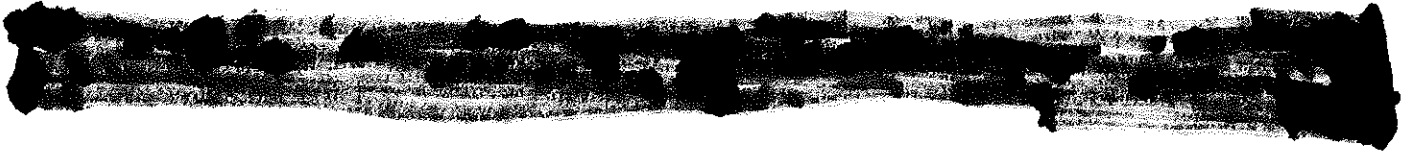
[REDACTED]

Please note that I need a more information on what you were able to accomplish week to week in order to evaluate whether you are on target with your performance. Please assist in that process by providing additional details.

Please revise the workplan by adding the additional information requested above by COB today, 10/30.

Maria

**From:** Mullins, Donna  
**Sent:** Monday, October 30, 2017 8:07 AM  
**To:** Martinez, Maria <Martinez.Maria@epa.gov>  
**Subject:** Workplan





Oil @ Harrison Ave.  
Cam

Angelo  
X  
3/20/05



Spoke w/ Real  
trees

- 540 acres -

9x9

3001 acre

12x12

- BLH -



## **Mullins, Donna**

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**Subject:** Safford FOIA  
**Location:** R6-ConfRm-EdwardsAquifer-11O15/R6---11th-Floor  
  
**Start:** Fri 1/5/2018 2:00 PM  
**End:** Fri 1/5/2018 2:30 PM  
**Show Time As:** Tentative  
  
**Recurrence:** (none)  
  
**Meeting Status:** Not yet responded  
  
**Organizer:** Talbot, Kristine  
**Required Attendees:** Mullins, Donna



**Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Wednesday, December 20, 2017 2:45 PM  
**To:** Talbot, Kristine  
**Subject:** RE: Safford Meeting @ 3pm

Sure. What corner is the swordfish room on?

**From:** Talbot, Kristine  
**Sent:** Wednesday, December 20, 2017 2:43 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Safford Meeting @ 3pm

Hi Donna- I got out of my meeting early and can meet at the Swordfish Conference Room on the 13<sup>th</sup> floor before our 3pm call if you want to go over any of the information in preparation of the call.

Thanks,  
Kristine

Kristine Talbot  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-EW)  
1445 Ross Avenue  
Dallas, Texas 75202  
Tel. (214) 665-8356  
[talbot.kristine@epa.gov](mailto:talbot.kristine@epa.gov)

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## **Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Monday, December 11, 2017 8:19 AM  
**To:** Talbot, Kristine  
**Subject:** RE: Andrew J. Harrison - harrisonlawllc.com

My schedule is open except for Tuesday morning.

**From:** Talbot, Kristine  
**Sent:** Friday, December 08, 2017 5:00 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** FW: Andrew J. Harrison - harrisonlawllc.com

Hi Donna – I spoke with Andrew Harrison this afternoon and he would like to have a call sometime next week to discuss the Safford matter. What is your availability for a call Wednesday-Thursday of next week? My schedule is flexible.

Thanks,  
Kristine

Kristine Talbot  
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U.S. Environmental Protection Agency, Region 6  
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**From:** Talbot, Kristine  
**Sent:** Friday, December 08, 2017 4:57 PM  
**To:** 'Andrew J. Harrison' <[ajh@harrisonlawllc.com](mailto:ajh@harrisonlawllc.com)>  
**Subject:** RE: Andrew J. Harrison - harrisonlawllc.com

Andrew,

It was nice to speak with you as well. I look forward to working with you on this matter. Please find attached my vcard. I'll follow-up with you next week about possible dates/times for a call.

Thanks,

Kristine

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**From:** Andrew J. Harrison [<mailto:ajh@harrisonlawllc.com>]  
**Sent:** Friday, December 08, 2017 4:21 PM  
**To:** Talbot, Kristine <[Talbot.Kristine@epa.gov](mailto:Talbot.Kristine@epa.gov)>  
**Subject:** FW: Andrew J. Harrison - harrisonlawllc.com

Christine, it was nice to speak to you. Please see attached my vcard and save it to your contacts. I will do the same when your's arrives.

Thanks  
Andrew

Andrew J. Harrison, Jr.  
Harrison Law, LLC  
One American Place, Suite 820  
Baton Rouge, LA 70825  
Ph: 225-388-0065  
Fax: 225-388-0501  
Cell: 225-907-3380  
[ajh@harrisonlawllc.com](mailto:ajh@harrisonlawllc.com)

An Environmental Law Network Member

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**Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Monday, December 11, 2017 9:34 AM  
**To:** Talbot, Kristine  
**Subject:** RE: Andrew J. Harrison - harrisonlawllc.com

I've called the USCOE about releasing the Inspection Report but I haven't heard back from them.

**From:** Talbot, Kristine  
**Sent:** Monday, December 11, 2017 9:32 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** RE: Andrew J. Harrison - harrisonlawllc.com

Great, thanks Donna. Let's try for 3pm tomorrow so that we have time to meet and discuss the case before the call. I'll send a calendar invite once I hear back from Andrew Harrison.

Thanks,  
Kristine

**From:** Mullins, Donna  
**Sent:** Monday, December 11, 2017 8:19 AM  
**To:** Talbot, Kristine <Talbot.Kristine@epa.gov>  
**Subject:** RE: Andrew J. Harrison - harrisonlawllc.com

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Kristine

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Kristine

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**Sent:** Friday, December 08, 2017 4:21 PM  
**To:** Talbot, Kristine <[Talbot.Kristine@epa.gov](mailto:Talbot.Kristine@epa.gov)>  
**Subject:** FW: Andrew J. Harrison - harrisonlawllc.com

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Thanks  
Andrew

Andrew J. Harrison, Jr.  
Harrison Law, LLC  
One American Place, Suite 820  
Baton Rouge, LA 70825  
Ph: 225-388-0065  
Fax: 225-388-0501  
Cell: 225-907-3380  
[ajh@harrisonlawllc.com](mailto:ajh@harrisonlawllc.com)  
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**Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Thursday, December 07, 2017 9:40 AM  
**To:** Talbot, Kristine  
**Subject:** FW: RE: RBW LLC  
**Attachments:** HUNTERS POINTE CORPS PERMIT 4-1-15.pdf

**From:** bottomlandconsulting [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Tuesday, November 14, 2017 12:11 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Fwd: RE: RBW LLC

Ms. Mullins-

Attached you will find a pdf of the permit that was required for impacts to portions of the wetlands that were cleared without authorization. Please let me know if you have any questions or would like to discuss.

Thanks

B

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Tyler Francois <tfrancois@patinengr-surv.com>  
**Date:** 11/14/17 11:08 AM (GMT-06:00)  
**To:** Jason Safford <JPSafford@cox.net>  
**Cc:** bottomlandconsulting@gmail.com  
**Subject:** RE: RBW LLC

Please see attached.

---

**From:** Jason Safford [mailto:JPSafford@cox.net]  
**Sent:** Thursday, November 9, 2017 10:53 AM  
**To:** Tyler Francois  
**Subject:** Fwd: RBW LLC

T

See below. Do you have a copy of that permit you can forward to Brandon?

Lmk

Thanks

Jason P. Safford

Begin forwarded message:

**From:** "Brandon Melville" <[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)>  
**Date:** November 9, 2017 at 9:24:14 AM CST  
**To:** "Jason Safford" <[JPSafford@cox.net](mailto:JPSafford@cox.net)>, "Alton Landry" <[altonlandryinc@yahoo.com](mailto:altonlandryinc@yahoo.com)>  
**Subject:** RBW LLC

Gentlemen,

I would like to get a copy of the permit that was issued for the Parish to dredge the ditch. The EPA has requested it. Also, did you want to have an attorney take a look at the administrative order. Ms. Mullins is pressing me to get you guys to have it signed.

I assume at this point we are not disputing the impacts associated with the lodge whatever they may be.

Please advise.

Brandon Melville, *Forester*

2194 South Fieldspan Road

Duson, LA 70529

Phone: 337.849.9978

[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)





DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, NEW ORLEANS DISTRICT  
P.O. BOX 60267  
NEW ORLEANS LA 70160-0267

Operations Division  
Central Evaluation Section

APR 01 2015

SUBJECT: MVN-2014-01999-CM

Parish of West Baton Rouge  
Post Office Box 757  
Port Allen, Louisiana 70767

Gentlemen:

Enclosed is a permit dated this date, subject as above, authorizing work under the Department of the Army permit program.

You are again reminded that any work not in accordance with the approved plans is subject to removal regardless of the expense and the inconvenience that such removal may involve and regardless of the date when the discrepancy is discovered.

Your attention is directed to all the terms and conditions of the approval. In order to have the work approved in accordance with the issued permit, all terms and conditions of the permit and plans shown on the drawings attached thereto must be rigidly adhered to.

It is necessary that you notify the District Engineer, Attention: Central Evaluation Section, in writing, prior to commencement of work and also upon its completion. The notification must include the permittee's name, as shown on the permit, and the permit number. Please note the expiration date on the permit. Should the project not be completed by that date, you may request a permit time extension. Such requests must be received before, but no sooner than six months before, the permit expiration date and must show the work completed and the reason the project was not finished within the time period granted by the permit.

A copy of Page 1 of the permit (ENG Form 1721) must be conspicuously displayed at the project site. Also, you must keep a copy of the signed permit at the project site until the work is completed.

Sincerely,

John M. Herman  
Chief, Central Evaluation Section

Enclosure

# DEPARTMENT OF THE ARMY PERMIT

Permittee: Parish of West Baton Rouge

Permit No. MVN-2014-01999-CM

Issuing Office: New Orleans District

NOTE: The term "you" and its derivatives, as used in this permit, means the permittee or any future transferee. The term "this office" refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: Clear, excavate, and place fill and culverts for an access road and drainage improvements, in accordance with drawings attached in nine sheets, sheet 1 dated 11/3/2014.

Project Location: Approximately 3.5 miles west of Brusly, Louisiana, near LA Hwy. 989-1, in West Baton Rouge Parish.

## Permit Conditions:

### General Conditions:

1. The time limit for completing the work authorized ends on **April 30, 2020**. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least 1 month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and State coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.

4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit. For your convenience, a copy of the certification is attached if it contains such conditions.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

**Special Conditions: Page 4.**

**Further Information:**

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
  - ( ) Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
  - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
  - ( ) Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization.
  - a. This permit does not obviate the need to obtain other Federal, State, or local authorizations required by law.
  - b. This permit does not grant any property rights or exclusive privileges.
  - c. This permit does not authorize any injury to the property or rights of others.
  - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability. In issuing this permit, the Federal Government does not assume any liability for the following:
  - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
  - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
  - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
  - d. Design or construction deficiencies associated with the permitted work.

e. Damage claims associated with any future modification, suspension, or revocation of this permit.

4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.

5. Reevaluation of Permit Decision. This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:

a. You fail to comply with the terms and conditions of this permit.

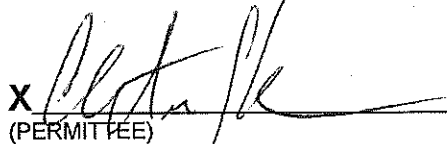
b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).

c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

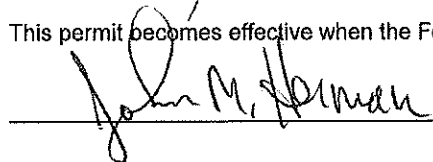
6. Extensions. General condition 1 establishes a time limit for the completion of the activity authorized by this permit. Unless there are circumstances requiring either a prompt completion of the authorized activity or a reevaluation of the public interest decision, the Corps will normally give favorable consideration to a request for an extension of this time limit.

Your signature below, as permittee, indicates that you accept and agree to comply with the terms and conditions of this permit.

X   
(PERMITTEE)

X 4-1-15  
(DATE)

This permit becomes effective when the Federal official, designated to act for the Secretary of the Army, has signed below.

  
John M. Herman, Chief of Central Evaluation Section  
for Richard L. Hansen, District Commander

1 Apr. 2015  
(DATE)

John M. Herman, Chief of Central Evaluation Section  
for Richard L. Hansen, District Commander

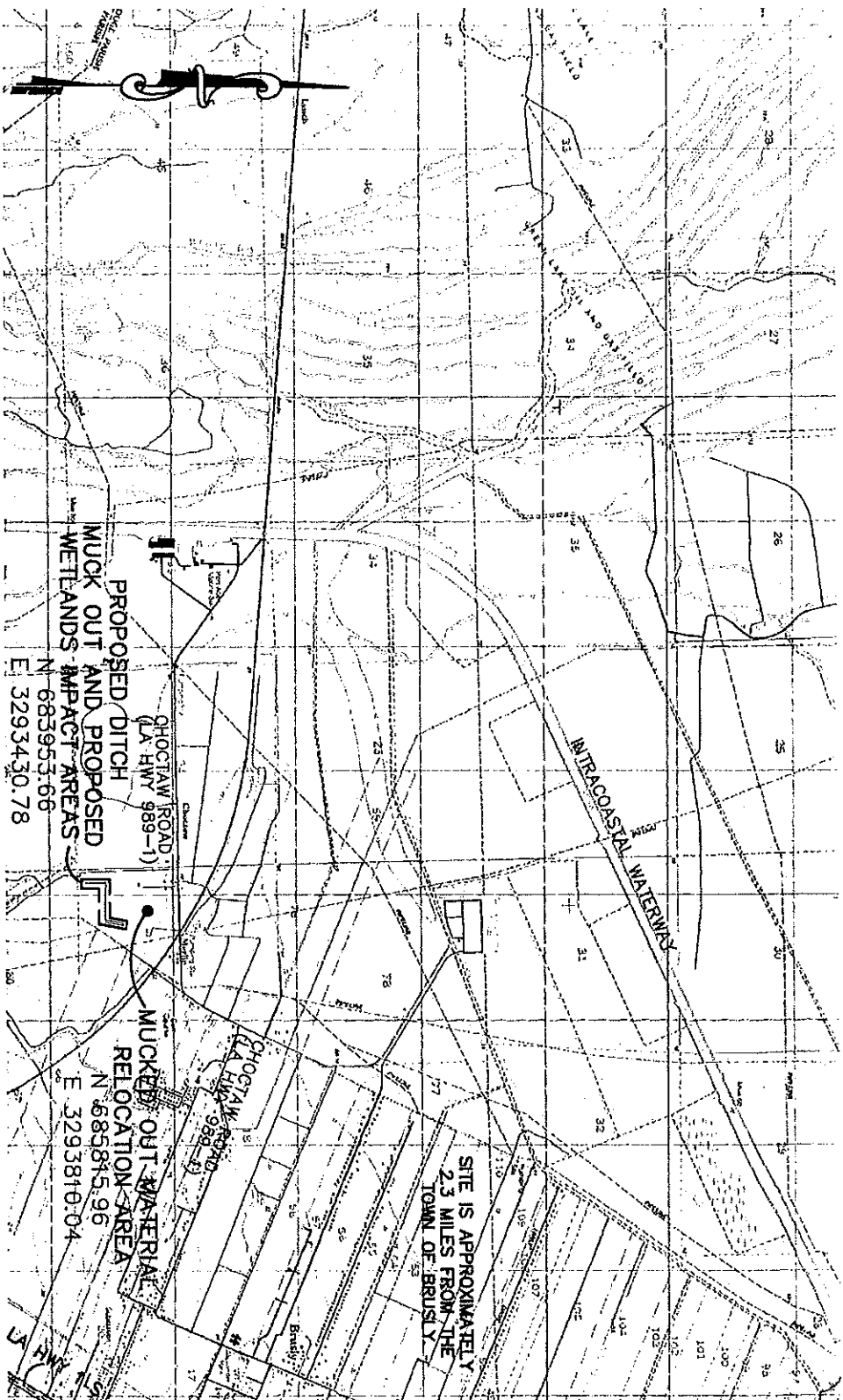
When the structures or work authorized by this permit are still in existence at the time the property is transferred, the terms and conditions of this permit will continue to be binding on the new owner(s) of the property. To validate the transfer of this permit and the associated liabilities associated with compliance with its terms and conditions, have the transferee sign and date below.

\_\_\_\_\_  
(TRANSFeree)

\_\_\_\_\_  
(DATE)

SPECIAL CONDITIONS: MVN-2014-01999-CM

7. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If, during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, Louisiana 70523, and the New Orleans District Corps of Engineers, Regulatory Branch (CEMVN). CEMVN will initiate the required federal, state, and tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
8. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include but are not limited to the use of secured hay bales, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas. These structures should be maintained in effective operating condition until sediments are stabilized by vegetation and other impervious surfacing.
9. The permittee shall limit clearing, excavation and the temporary placement of fill material to areas essential to the project. The remainder of the property shall be left in its natural state. If the proposed project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.
10. Issuance of this permit confirms that CEMVN, Regulatory Branch has been provided with written notification from Cypress Knee Ranch, LLC that the applicant has contracted for 0.5 acre of cypress swamp at Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank. Cypress Knee Ranch, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).
11. Many local governing bodies have instituted laws and/or ordinances in order to regulate fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your authorized activities with local floodplain ordinances, regulations, or permits.
12. The permittee shall maintain the culverts associated with this project to ensure that existing flow of surface water is uncompromised.



# VICINITY MAP: PROPOSED DITCH MUCK OUT AREA

## & PROPOSED WETLANDS IMPACT AREA

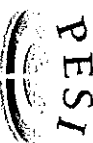
(SCALE: 1"=4000')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA

FOR

WEST BATON ROUGE PARISH

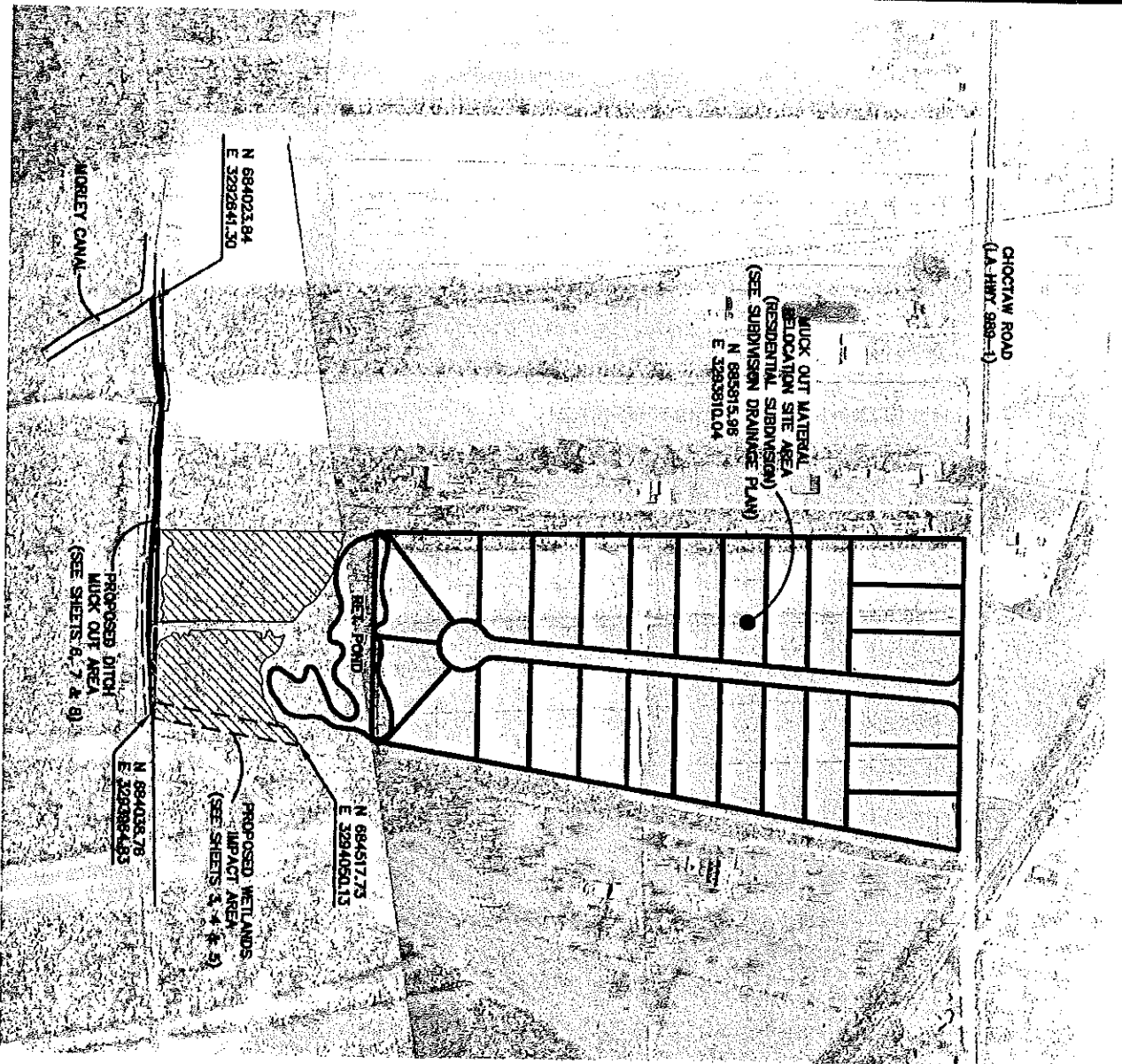
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PATIN ENGINEERS  
& SURVEYORS

INCORPORATED

4463 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-9006


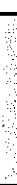



VICINITY MAP: PROPOSED  
DITCH MUCK OUT AREA  
& PROPOSED  
WETLANDS IMPACT AREA

(SCALE: 1"=500')

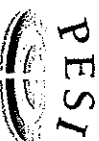
LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
FOR  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE,  
STATE OF LOUISIANA  
WEST BATON ROUGE PARISH

LEGEND:

-  Proposed Ditch Muck Out & Wetlands Impact Areas
-  Existing Ditch Limits
-  Wetland Limits



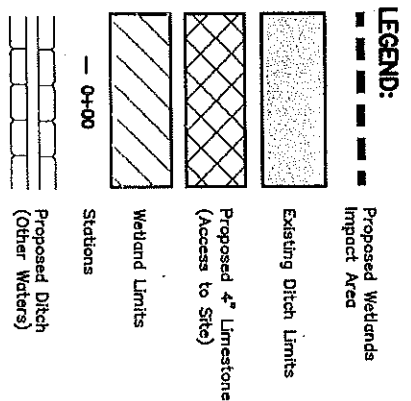
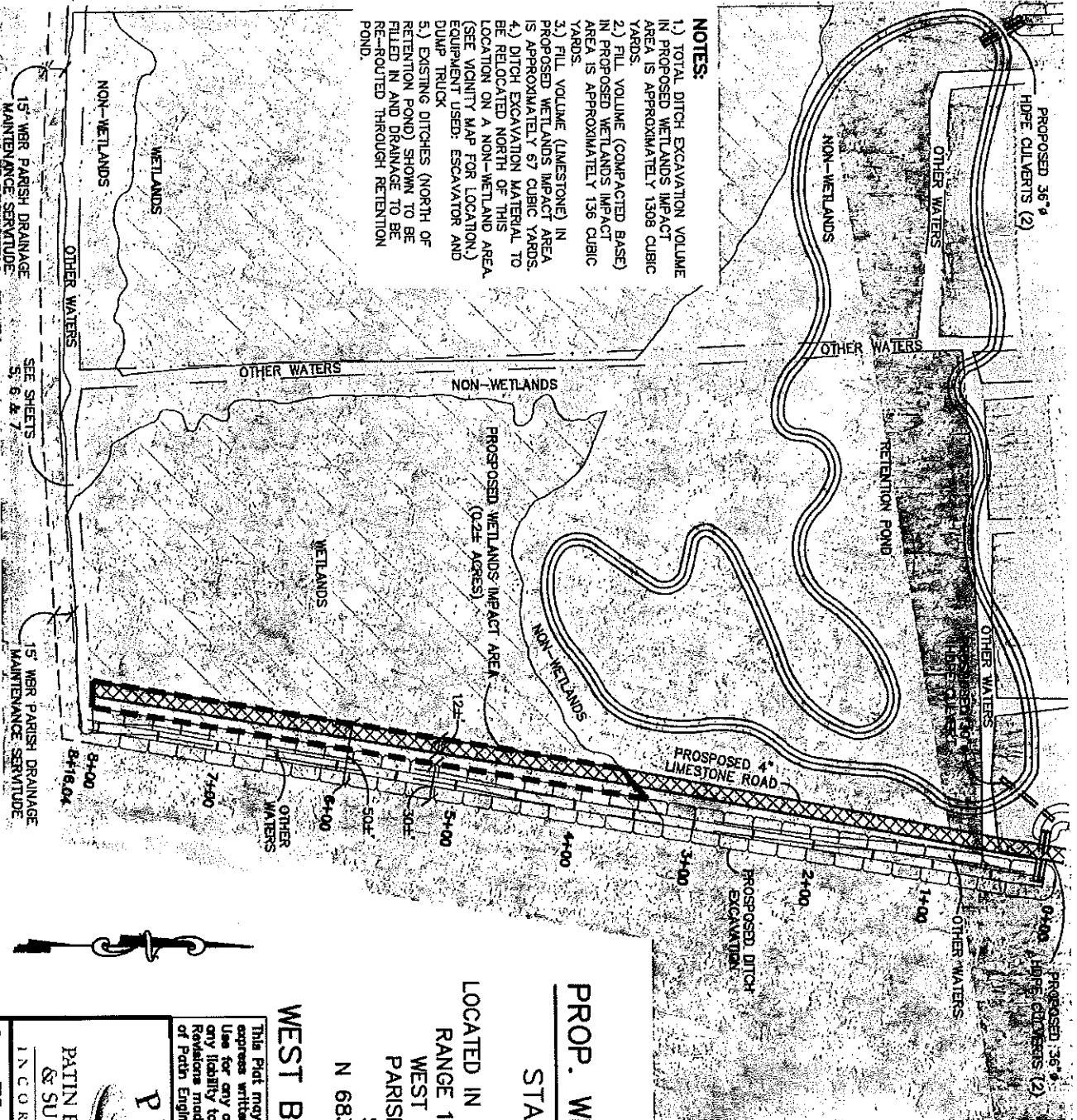
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PATIN ENGINEERS  
& SURVEYORS  
INCORPORATED

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SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 367-2167  
FAX: (225) 368-9006

- NOTES:**
- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
  - 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
  - 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
  - 4.) DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA (SEE VICINITY MAP FOR LOCATION). EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
  - 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.



## PLAN: PROP. WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00

(SCALE: 1"=120')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE  
STATE OF LOUISIANA  
N 683953.66 & E 3293430.78  
FOR

## WEST BATON ROUGE PARISH

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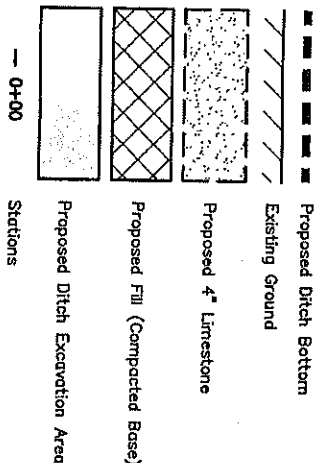
**PATIN ENGINEERS  
& SURVEYORS**  
INCORPORATED

4463 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-9006

Drawn: TDF Date: 11/13/14 Job No: 13-189 Sheet: 3/8

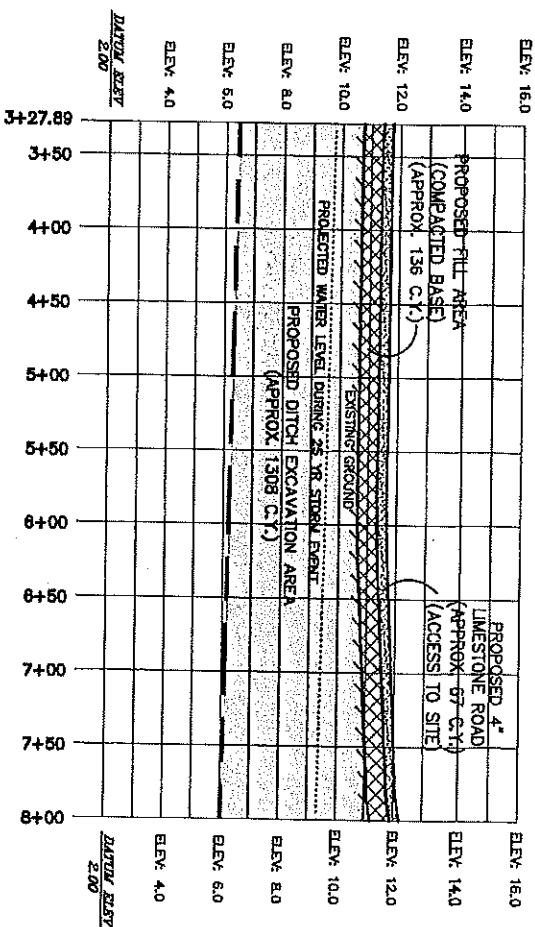
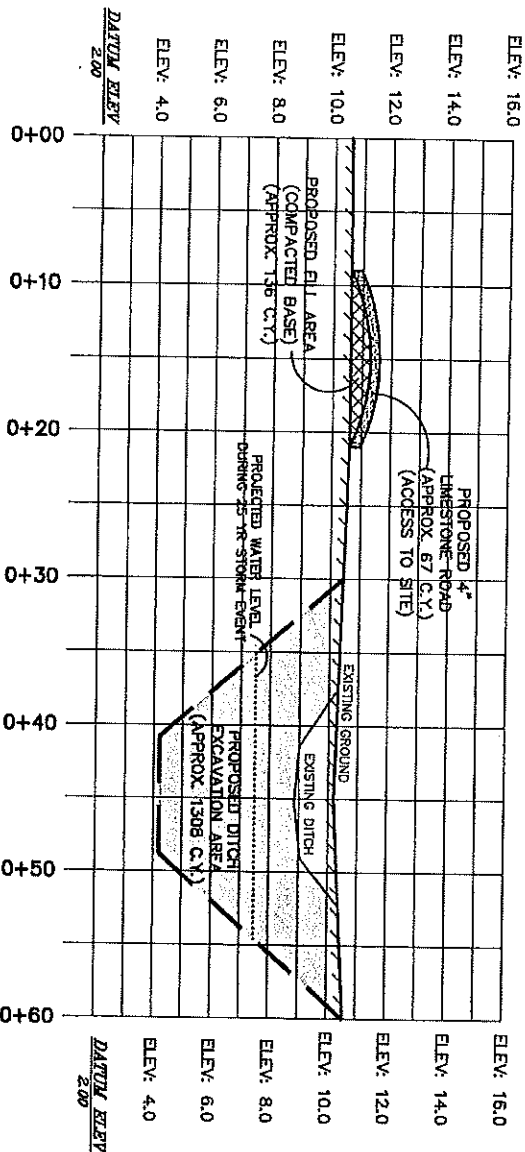


# LEGEND:



## NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
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- 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.
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## PROFILE: PROPOSED WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00

(SCALES: HORIZ: 1"=120', VERT: 1"=6')

## TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

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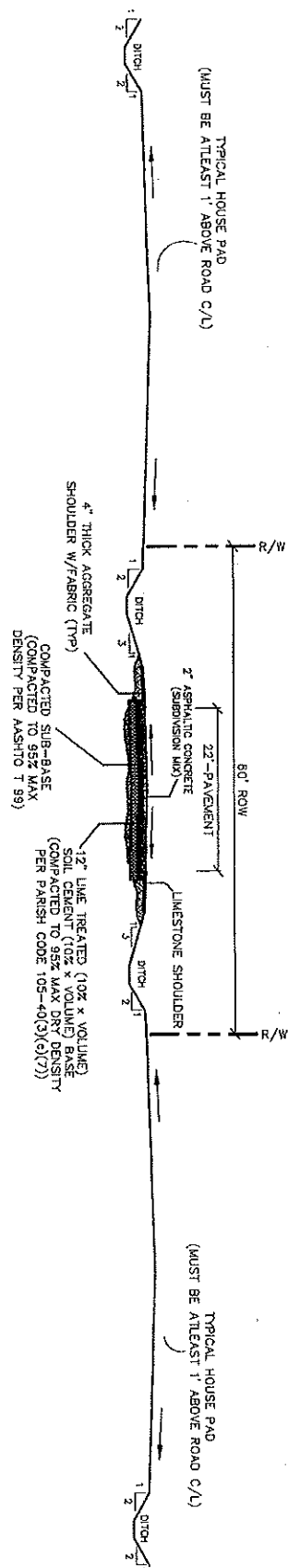
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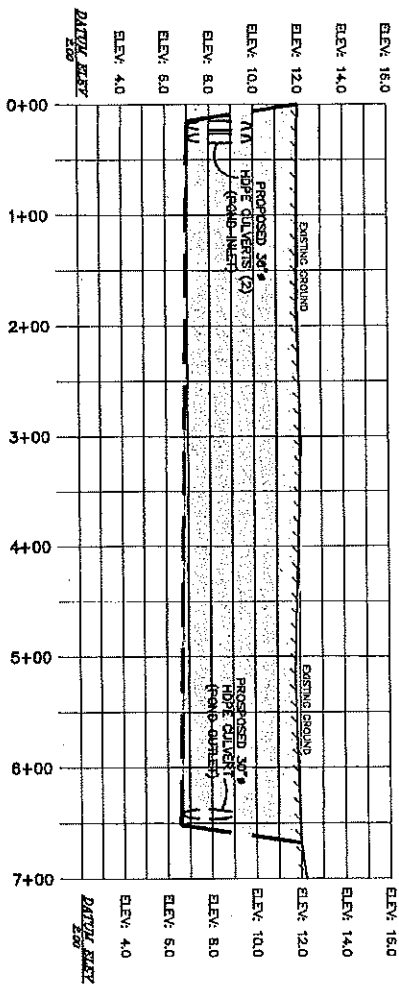
Drawn: TDF Date: 11/13/14

Job No: 13-189

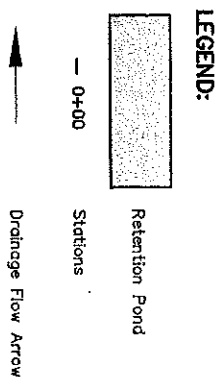
Sheet 4/8



TYPICAL ROAD AND HOUSE PAD CROSS SECTION FOR HUNTER'S POINTE SUBDIVISION:  
(SCALE: N.T.S.)



RETENTION POND CROSS SECTION:  
(SCALE: N.T.S.)

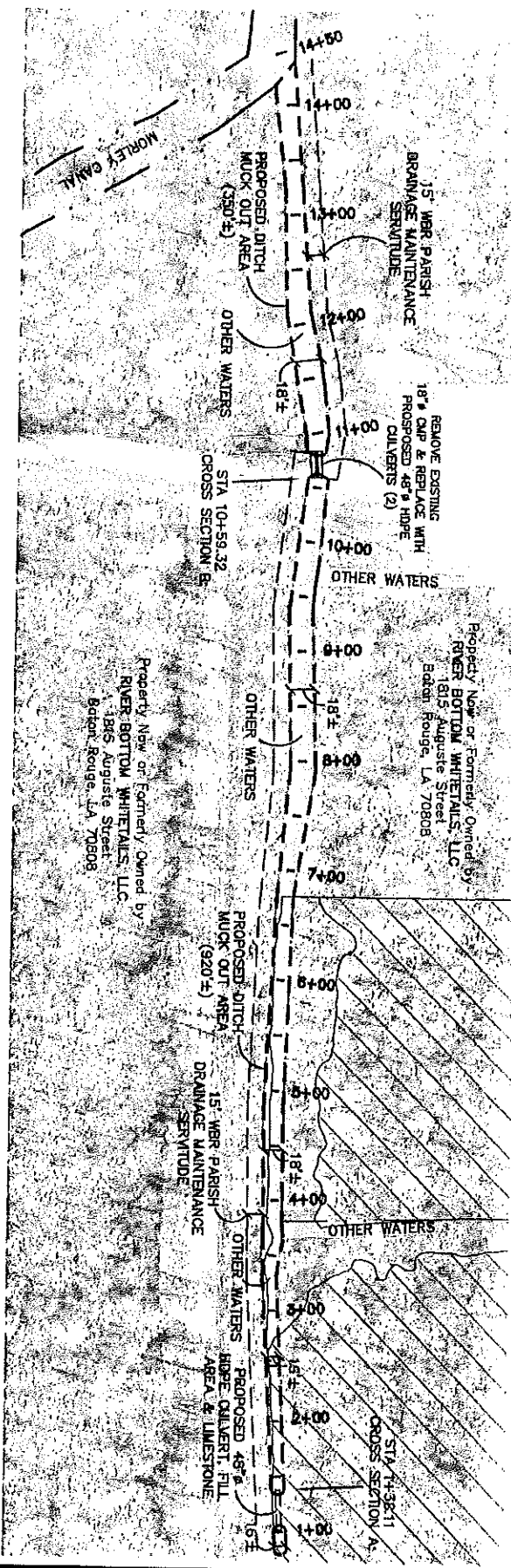


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FAX: (225) 388-9006



# PLAN: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 14+50

(SCALE: 1"=140')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA  
N 683953.66 & E 3293430.78

FOR  
WEST BATON ROUGE PARISH



## NOTES:

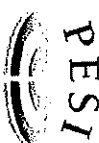
- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAVD 83/88).

## LEGEND:

- Proposed Ditch
- Muck Out Area
- Other Waters
- Existing Ditch Limits
- Wetland Limits

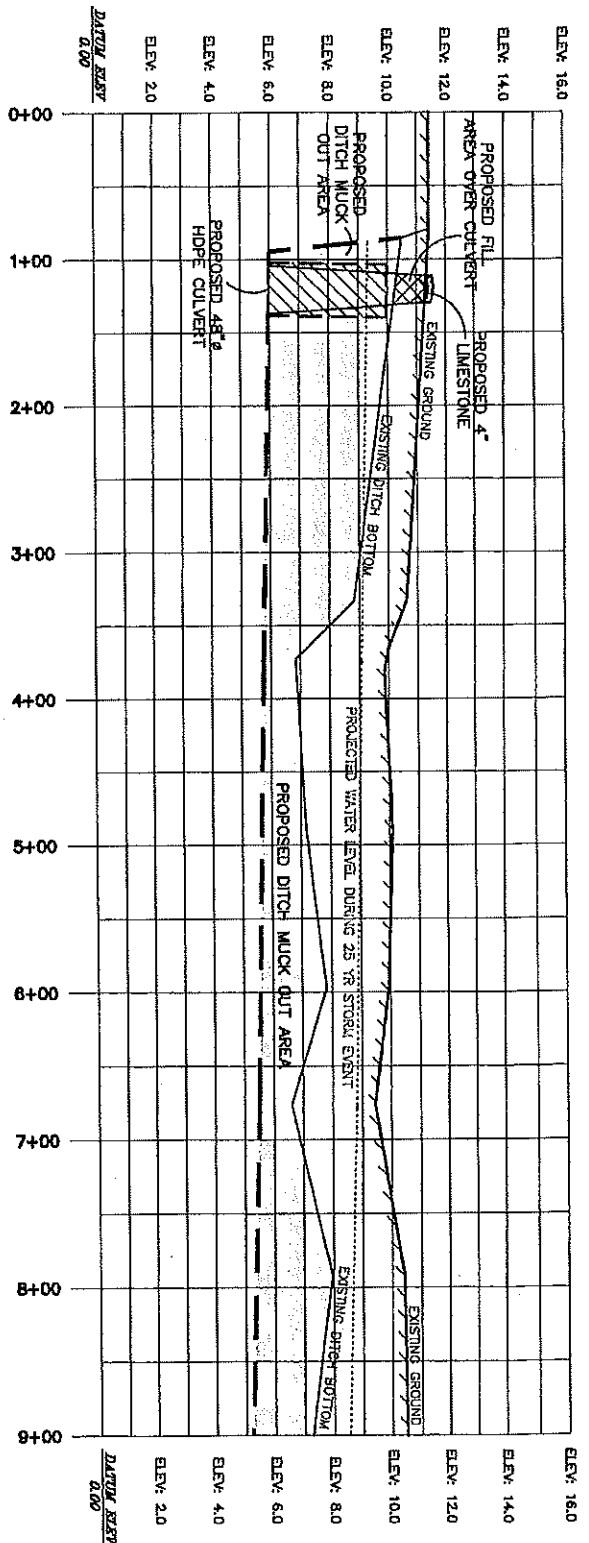
— 0+00 Stations

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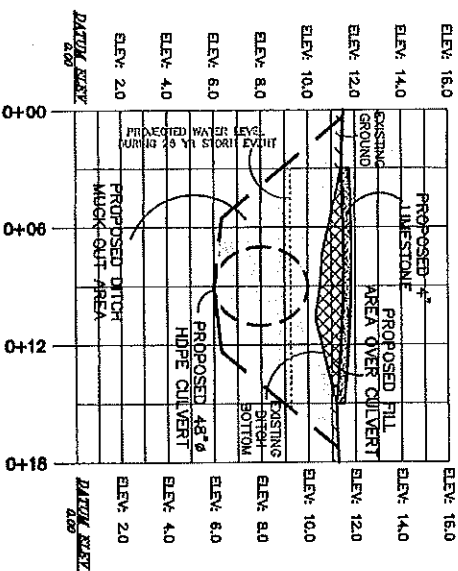
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OFFICE: (225) 367-2167  
FAX: (225) 388-9006



# PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 9+00  
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



## CROSS SECTION A:

STA 1+38.11  
(SCALE: N.T.S.)

### NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK (NAVD 83/88).
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAVD 83/88).
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

### LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- Stations

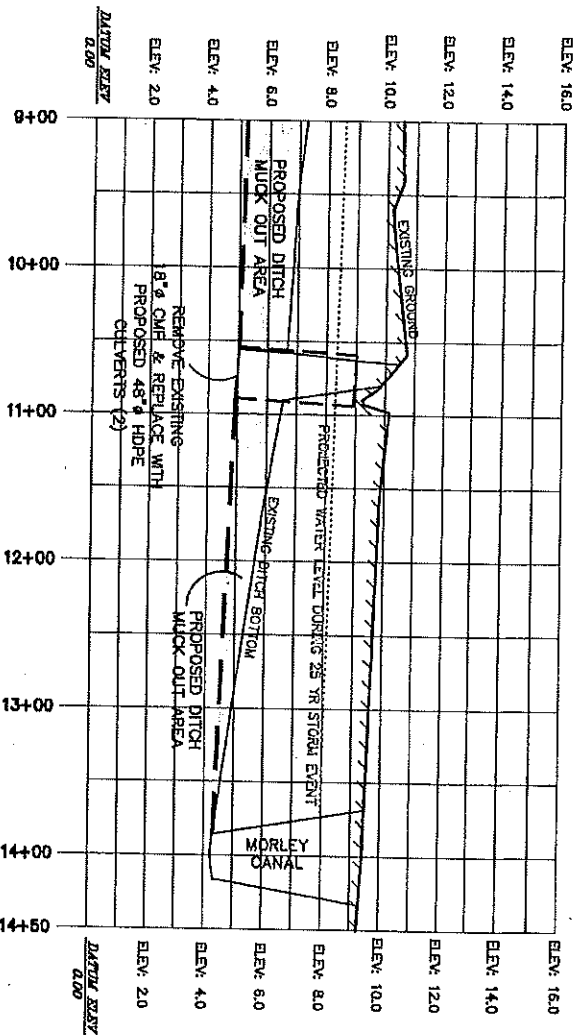


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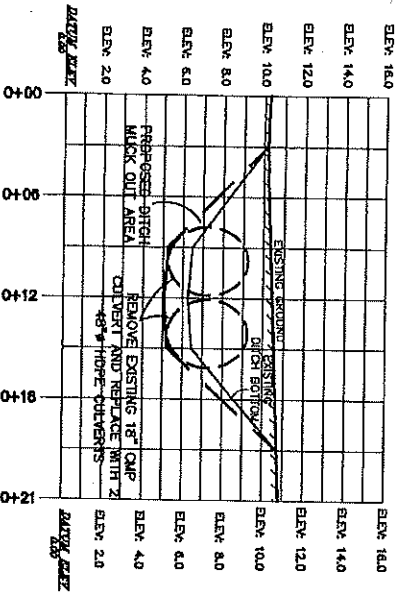
Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet: 7/8

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# PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 9+00 TO 14+50  
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



## CROSS SECTION B:

STA 10+59.32  
(SCALE: N.T.S.)

### NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
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### LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- Stations

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SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 387-2157  
FAX: (225) 388-9006

## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Thursday, December 07, 2017 9:39 AM  
**To:** Talbot, Kristine  
**Subject:** FW: River Bottom Whitetails LLC - West BR Parish, LA

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Friday, November 10, 2017 7:10 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Cc:** Jason Safford <JPSafford@cox.net>; Alton Landry <altonlandryinc@yahoo.com>  
**Subject:** River Bottom Whitetails LLC - West BR Parish, LA

Ms. Mullins,

I communicated our conversation to the members of River Bottom Whitetails yesterday. They are having an attorney look at the administrative order. RBW LLC has requested a copy of the permit from the engineer that handled the permitting for a project that included impacts to the wetlands associated with the violation. As soon as I receive that I will forward it to you. We are currently working on verifying the acres that were permanently impacted and the area that remains wetlands and will require restoration. As we discussed, the permanent impacts are associated with the lodge,  $\pm 5$  acres. The remaining wetland acres are of pre-project elevations and will be restored according an approved plan.

As soon as I have the information, I will forward it on to you. In the meantime, if you have any questions please do not hesitate contacting me.

Regards

Brandon Melville, *Forester*  
2194 South Fieldspan Road  
Duson, LA 70529  
Phone: 337.849.9978  
[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



**Bottomland Consulting, LLC**

Forestry and Land Management Services





**Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Tuesday, November 14, 2017 3:36 PM  
**To:** Martinez, Maria  
**Subject:** FW: RE: RBW LLC  
**Attachments:** HUNTERS POINTE CORPS PERMIT 4-1-15.pdf

Maria,

Look at the email at the bottom of this. Just wanted you to know that I'm staying on top of this.

Donna

**From:** bottomlandconsulting [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Tuesday, November 14, 2017 12:11 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Fwd: RE: RBW LLC

Ms. Mullins-

Attached you will find a pdf of the permit that was required for impacts to portions of the wetlands that were cleared without authorization. Please let me know if you have any questions or would like to discuss.

Thanks

B

Sent via the Samsung Galaxy S7 active, an AT&T 4G LTE smartphone

----- Original message -----

**From:** Tyler Francois <tfrancois@patinengr-surv.com>  
**Date:** 11/14/17 11:08 AM (GMT-06:00)  
**To:** Jason Safford <JPSafford@cox.net>  
**Cc:** bottomlandconsulting@gmail.com  
**Subject:** RE: RBW LLC

Please see attached.

---

**From:** Jason Safford [mailto:JPSafford@cox.net]  
**Sent:** Thursday, November 9, 2017 10:53 AM  
**To:** Tyler Francois  
**Subject:** Fwd: RBW LLC

T

See below. Do you have a copy of that permit you can forward to Brandon?

Lmk

Thanks

Jason P. Safford

Begin forwarded message:

**From:** "Brandon Melville" <[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)>  
**Date:** November 9, 2017 at 9:24:14 AM CST  
**To:** "Jason Safford" <[JPSafford@cox.net](mailto:JPSafford@cox.net)>, "Alton Landry" <[altonlandryinc@yahoo.com](mailto:altonlandryinc@yahoo.com)>  
**Subject:** RBW LLC

Gentlemen,

I would like to get a copy of the permit that was issued for the Parish to dredge the ditch. The EPA has requested it. Also, did you want to have an attorney take a look at the administrative order. Ms. Mullins is pressing me to get you guys to have it signed.

I assume at this point we are not disputing the impacts associated with the lodge whatever they may be.

Please advise.

Brandon Melville, *Forester*

2194 South Fieldspan Road

Duson, LA 70529

Phone: 337.849.9978

## Mullins, Donna

---

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**Cc:** bottomlandconsulting@gmail.com  
**Subject:** RE: RBW LLC

Please see attached.

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**From:** Jason Safford [mailto:JPSafford@cox.net]  
**Sent:** Thursday, November 9, 2017 10:53 AM  
**To:** Tyler Francois  
**Subject:** Fwd: RBW LLC

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Lmk

Thanks

Jason P. Safford

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**Date:** November 9, 2017 at 9:24:14 AM CST  
**To:** "Jason Safford" <[JPSafford@cox.net](mailto:JPSafford@cox.net)>, "Alton Landry" <[altonlandryinc@yahoo.com](mailto:altonlandryinc@yahoo.com)>  
**Subject:** RBW LLC

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I assume at this point we are not disputing the impacts associated with the lodge whatever they may be.

Please advise.

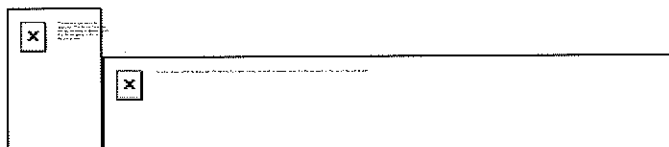
Brandon Melville, *Forester*

2194 South Fieldspan Road

Duson, LA 70529

Phone: 337.849.9978

[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



## Mullins, Donna

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Friday, November 10, 2017 7:10 AM  
**To:** Mullins, Donna  
**Cc:** Jason Safford; Alton Landry  
**Subject:** River Bottom Whitetails LLC - West BR Parish, LA

Ms. Mullins,

I communicated our conversation to the members of River Bottom Whitetails yesterday. They are having an attorney look at the administrative order. RBW LLC has requested a copy of the permit from the engineer that handled the permitting for a project that included impacts to the wetlands associated with the violation. As soon as I receive that I will forward it to you. We are currently working on verifying the acres that were permanently impacted and the area that remains wetlands and will require restoration. As we discussed, the permanent impacts are associated with the lodge,  $\pm 5$  acres. The remaining wetland acres are of pre-project elevations and will be restored according an approved plan.

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Regards

Brandon Melville, *Forester*  
2194 South Fieldspan Road  
Duson, LA 70529  
Phone: 337.849.9978  
[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



**Bottomland Consulting, LLC**  
Forestry and Land Management Services



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Friday, October 27, 2017 2:07 PM  
**To:** Gutierrez, Raul  
**Subject:** Safford,

Raul,

Would you please call me. The phone number Maria gave me for you doesn't work. I wanted to talk to you before your site inspection at Jason Safford.

Donna





## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Thursday, October 19, 2017 9:55 AM  
**To:** Gutierrez, Raul  
**Subject:** FW: Site Visit Dates

Raul,

Would that date work for you?

Donna

---

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Wednesday, October 18, 2017 8:17 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Cc:** Jason Safford <JPSafford@cox.net>; Alton Landry <altonlandryinc@yahoo.com>  
**Subject:** RE: Site Visit Dates

Ms. Mullins,

Monday October 30<sup>th</sup> would be a good day for me.

Please let me know if this works for Mr. Gutierrez.

Thank

B

---

**From:** Mullins, Donna [mailto:mullins.donna@epa.gov]  
**Sent:** Tuesday, October 17, 2017 12:49 PM  
**To:** Brandon Melville  
**Subject:** Site Visit Dates

Mr. Melville,

Please find below the potential dates where Raul Gutierrez can come to visit Mr. Safford's property:

10/23 10/27  
10/30 11/1  
11/3 11/6  
11/7 11/8  
11/9

Please let me know your availability.

Donna Mullins



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Tuesday, October 17, 2017 12:49 PM  
**To:** 'BottomlandConsulting@gmail.com'  
**Subject:** Site Visit Dates

Mr. Melville,

Please find below the potential dates where Raul Gutierrez can come to visit Mr. Safford's property:

10/23 10/27

10/30 11/1

11/3 11/6

11/7 11/8

11/9

Please let me know your availability.

Donna Mullins



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Tuesday, October 17, 2017 12:39 PM  
**To:** Gutierrez, Raul  
**Subject:** RE: Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?

Raul,

When would be a good day to go inspect the Safford Site?

Donna

**From:** Gutierrez, Raul  
**Sent:** Monday, October 16, 2017 3:45 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** RE: Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?

What day?

**From:** Mullins, Donna  
**Sent:** Monday, October 16, 2017 11:09 AM  
**To:** Gutierrez, Raul <[Gutierrez.Raul@epa.gov](mailto:Gutierrez.Raul@epa.gov)>  
**Subject:** Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Tuesday, October 17, 2017 8:10 AM  
**To:** Gutierrez, Raul  
**Subject:** RE: Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?

Friday Morning

**From:** Gutierrez, Raul  
**Sent:** Monday, October 16, 2017 3:45 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** RE: Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?

What day?

**From:** Mullins, Donna  
**Sent:** Monday, October 16, 2017 11:09 AM  
**To:** Gutierrez, Raul <[Gutierrez.Raul@epa.gov](mailto:Gutierrez.Raul@epa.gov)>  
**Subject:** Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?





## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Monday, October 16, 2017 11:09 AM  
**To:** Gutierrez, Raul  
**Subject:** Will you and Maria be able to meet Mr. Safford's Contractor at 9:00 at the site?



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Friday, October 13, 2017 11:13 AM  
**To:** Gutierrez, Raul  
**Subject:** RE: Safford site visit

Will Maria be there for the 10/17 site visit?

**From:** Gutierrez, Raul  
**Sent:** Friday, October 13, 2017 11:11 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Safford site visit

I can make it on 10/17, 10/23, 10/27, 10/30, 10/31, and 11/3.

I might be able to squeeze in a short visit on 10/19 or 10/20.

I can also give you additional dates in November if these dates don't work out for the consultant.

Raul Gutierrez, Ph.D.  
Wetlands Section (6WQ-EM)  
US EPA Region 6  
(504) 862-2371

Office:  
US Army Corps of Engineers  
New Orleans District  
CEMVN-OD-SS  
7400 Leake Ave  
New Orleans, Louisiana 70118



## Mullins, Donna

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Monday, October 02, 2017 10:49 AM  
**To:** Mullins, Donna  
**Cc:** Jason Safford; Alton Landry  
**Subject:** River Bottom Whitetails LLC

Ms. Mullins,

I currently have a call in to the New Orleans COE Chief regulatory branch, Mr. Martin Mayer. A permit was obtained for portions of the area that was part of the un-authorized activity. Since a permit was issued for wetlands associated with the un-authorized activities, we are thinking a tolling agreement would have been in place. We would like to get some clarification from the corps and an explanation as to why we were unable to submit an after-the-fact permit application for the other activities prior to consenting to the EPA administrative order. Please know that my client has expressed they are ready to resolve the matter. Please allow us some time to have a conversation with the COE.

Regards

Brandon Melville, *Forester*  
2194 South Fieldspan Road  
Duson, LA 70529  
Phone: 337.849.9978  
[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



**Bottomland Consulting, LLC**  
Forestry and Land Management Services



## Mullins, Donna

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Thursday, September 28, 2017 2:22 PM  
**To:** Mullins, Donna  
**Cc:** Jason Safford; Alton Landry  
**Subject:** FW: RBW LLC\_MVN-2014-02503-A-SA  
**Attachments:** 2016-5-18\_RBW Response to C and D Order\_Letter.pdf

Ms. Mullins,

Please see the attached response to the C & D Order that we submitted to the COE May of 2016.

I will discuss with RBW tomorrow and get back to you.

Thanks

Brandon

---

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Wednesday, May 18, 2016 10:52 PM  
**To:** Heffner, Robert A MVN  
**Cc:** Gordon, Kyle MVN  
**Subject:** RBW LLC\_MVN-2014-02503-A-SA

Rob,

Please see the attached letter for the subject project.

If you have any questions, please do not hesitate contacting me.

Kindest Regards

Brandon Melville, *Forester*  
2194 South Fieldspan Road  
Duson, LA 70529  
Phone: 337.849.9978  
[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



**Bottomland Consulting, LLC**

Forestry and Land Management Services





## Mullins, Donna

---

**From:** Martinez, Maria  
**Sent:** Tuesday, September 19, 2017 7:09 PM  
**To:** Mullins, Donna  
**Cc:** Nystrom, Thomas  
**Subject:** Re: Jason Safford AOC

Continue working with them even though the AOC may not be signed until FY18. No overnight of documents is necessary but please stay the course.

Sent from my iPhone

On Sep 19, 2017, at 1:40 PM, Mullins, Donna <[mullins.donna@epa.gov](mailto:mullins.donna@epa.gov)> wrote:

Maria,

Mr. Safford's contractor will not be able to get back with me until September 26, 2017 concerning the AOC. He has some more information that he feels is pertinent to this case. So it doesn't look like I'm going to get that case out by the end of the year. Or I guess we could try that last week to send the documents by overnight mail to get all the signatures and issue the AOC. Let me know what you want to do.

Donna



## **Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Tuesday, September 19, 2017 2:41 PM  
**To:** Martinez, Maria  
**Cc:** Nystrom, Thomas  
**Subject:** Jason Safford AOC

Maria,

Mr. Safford's contractor will not be able to get back with me until September 26, 2017 concerning the AOC. He has some more information that he feels is pertinent to this case. So it doesn't look like I'm going to get that case out by the end of the year. Or I guess we could try that last week to send the documents by overnight mail to get all the signatures and issue the AOC. Let me know what you want to do.

Donna



## Mullins, Donna

---

**From:** no-reply@sharepointonline.com  
**Sent:** Monday, September 18, 2017 5:20 PM  
**To:** Mullins, Donna  
**Subject:** bottomlandconsulting@gmail.com has accessed 'SaffordAOC.docx'

Brandon Melville (bottomlandconsulting@gmail.com) has accessed 'SaffordAOC.docx'

---



SaffordAOC.docx

Last modified 9/14/2017

Open in Word

Remove Access

### When and where did this happen

**Date:** Monday, September 18, 2017 3:20 PM  
**Browser:** Microsoft Edge  
**Operating System:** Windows 10

Doesn't look like the right person? You can Remove Access right away.



Microsoft OneDrive

**Privacy Statement**

Microsoft Corporation, One Microsoft Way, Redmond, WA 98052



## Mullins, Donna

---

**From:** Mullins, Donna  
**Sent:** Friday, September 15, 2017 8:47 AM  
**To:** BottomlandConsulting@gmail.com  
**Subject:** River Bottom Whitetails LLC  
**Attachments:** SaffordAOC.docx

Mr. Melville,

Attached you will find a draft Administrative Order on Consent. Please review and get back to me by September 22, 2017. If you have any questions, please call me at (214) 665-7576.

Donna Mullins





UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of:	§	Docket No. CWA 06-2017-2701
	§	
River Bottom Whitetails, LLC	§	
	§	Proceeding Under § 309(a) of
	§	the Clean Water Act
Respondent	§	

ADMINISTRATIVE ORDER ON CONSENT

I. AUTHORITY

1. The following findings of violations are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency (“EPA”) by Section 309(a) of the Clean Water Act (“the Act”), 33 U.S.C. § 1319(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Water Division, EPA Region 6.

II. FINDINGS OF VIOLATIONS

2. EPA makes the following findings of violations in support of its authority to issue this Order on Consent.

3. River Bottom Whitetails, LLC (“Respondent”) is a limited liability company created under the laws of the State of Louisiana and as such, Respondent is a “person” as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

4. At all times relevant to the violations alleged herein (“relevant time period”), Respondent owned or controlled real property located at 5867 Choctaw Road (30.381533, - 91.291915), Section 79, Township 8 South, Range 12 East), in Brusly, West Baton Rouge Parish, Louisiana (“subject property”).

5. On multiple dates between approximately March 2014 and April 29, 2016, Respondent discharged, caused the discharge, directed the discharge, and/or agreed with other persons or business entities to discharge “dredged material” and/or “fill material,” as defined by Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 232.2 from point sources, including heavy equipment, in, on, and into approximately 6.9 acres of wetlands and 0.50 acres of deposited fill within the subject property. The impacted wetlands and deposited fill were adjacent to, hydrologically connected to, or had a significant nexus to, a navigable-in-fact body of water.

6. Each piece of heavy equipment used during excavation or construction activities which resulted in a discharge acted as a “point source” as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

7. The dredged and fill material referred to in paragraph 5 was a “pollutant” as defined by Section 502(6) of the Act, 33 U.S.C. § 1362(6).

8. During the relevant time period, the wetlands and deposited fill referred to in paragraph 5 were adjacent to, hydrologically connected to, or had a significant nexus to “navigable waters” as defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 232.2, and as such, are “waters of the United States” as defined by 40 C.F.R. § 232.2.

9. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides that it is unlawful for any person to discharge a pollutant from a point source to waters of the United States, except with the authorization of and in compliance with a permit issued under the Act.

10. Section 404 of the Act, 33 U.S.C. § 1344, authorizes the U.S. Army Corps of Engineers (“COE”) to issue permits for the discharge of dredged or fill material to waters of the United States.

11. At no time during the relevant time period did Respondent have a permit issued by the

COE that authorized the discharges alleged in paragraph 5.

12. Each day of unauthorized discharge was a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

### III. CONSENT AGREEMENT

13. EPA and Respondent agree that settlement of this matter will save time and resources and is in the public interest and that issuance of this Order on Consent is the most appropriate means of resolving this matter with respect to Respondent's restoration of certain wetlands as described below. Respondent concurs in the issuance of this Order on Consent and agrees to comply with the Order. Respondent neither admits nor denies the findings of violations set forth above.

### IV. COMPLIANCE ORDER

14. Based on the foregoing Findings of Violations and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA ORDERS and Respondent agrees to immediately cease any discharge of dredged and/or fill material to waters of the United States on the subject property and to take the following actions:

- a. Respondent shall submit a Restoration Plan ("Plan") for the impacted wetlands and deposited fill described in paragraph 5, *supra*, to EPA for review and approval within thirty (30) days of the effective date of this Order on Consent.
- b. Respondent shall commence the restoration work within thirty (30) days of EPA's approval of the Plan.
- c. Within five (5) days of commencing the restoration work, and within five (5) days of completing the restoration work described in the Plan, Respondent shall

notify EPA via electronic mail addressed to the EPA Project Manager: Donna Mullins, [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov). If the EPA Project Manager changes, EPA shall notify Respondent.

- d. Respondent shall provide EPA with a monthly progress report on the first day of each month addressed to the EPA Project Manager, Donna Mullins, [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov).
- e. Within thirty (30) days after completion of the Plan, Respondent shall submit a brief report describing the completed work to:

Ms. Donna Mullins  
EPA, Region 6  
1445 Ross Ave, Suite 1200  
Dallas, Texas 75202-2733

- f. Within thirty (30) days of completion of the work at the site, Respondent shall, pursuant to Section 404 of the Act, 33 U.S.C. § 1344, apply to the COE for a permit for the dredged and/or fill material that is to remain on the subject property, if any. If Respondent fails to obtain a permit for any reason, Respondent shall restore the impacted wetlands and/or deposited fill within sixty (60) days following the COE's notice to EPA that Respondent failed to submit a permit application within the time provided above, or that Respondent's permit application has been denied or returned to Respondent by the COE without final action. Respondent shall contact Donna Mullins, EPA Region 6, at [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov) upon commencement of the removal of the material and completion of restoration activities.

## V. GENERAL PROVISIONS

15. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue or fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under Sections 701 through 706 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

16. Respondent acknowledges the jurisdiction of EPA to issue the Section 309(a)(3) Order on Consent.

17. Issuance of this Order on Consent shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines or any other relief appropriate under the Act for the violations cited herein or other violations that become known to EPA.

18. If EPA issues an administrative complaint or a civil judicial action is initiated by the U.S. Department of Justice, Respondent may be subject to a monetary penalty. The failure to comply with this Order or the Act can result in civil penalties of up to \$52,414 per day of violation. If a criminal action is initiated by the U.S. Department of Justice, Respondent may be subject to a fine and/or imprisonment and may also become ineligible for certain government contracts, grants or loans under Section 508 of the Act, 33 U.S.C. § 1368.

19. Compliance with the terms and conditions of this Order on Consent does not relieve Respondent of the obligation to comply with any applicable federal, state or local law or regulation.

20. The effective date of this Order is the date it is signed and returned by Respondent.

21. Each undersigned representative of the parties to this agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this agreement and to execute and legally bind that party to it.

In recognition and acceptance of the foregoing:

\_\_\_\_\_  
Mr. Jason Safford  
River Bottom Whitetails, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
William K. Honker, P.E.  
Director, Water Division  
U.S. EPA Region 6

\_\_\_\_\_  
Date

## CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, the original of the foregoing Administrative Order on Consent was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States Mail, by certified mail, return receipt requested, addressed to the following:

Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767

Copy hand-delivered:

Ms. Kristine Talbot  
Office of Regional Counsel (6RC-EW)  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Certified by \_\_\_\_\_





## Mullins, Donna

---

**From:** Talbot, Kristine  
**Sent:** Friday, September 08, 2017 4:18 PM  
**To:** Mullins, Donna  
**Subject:** RE: Safford Case  
**Attachments:** Draft AOC.docx

Donna- Attached is a draft AOC for your review. In particular, please see if changes need to be made to the compliance order section of the draft.

Please let me know if you have any questions, comments, or edits.

Thanks,  
Kristine

Kristine Talbot  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
(214) 665-8356

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.

**From:** Talbot, Kristine  
**Sent:** Thursday, September 07, 2017 8:33 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** RE: Safford Case

Hi Donna – I'll send you a draft AOC by COB tomorrow.

Thanks,  
Kristine

---

**From:** Mullins, Donna  
**Sent:** Thursday, September 07, 2017 8:31 AM  
**To:** Talbot, Kristine <Talbot.Kristine@epa.gov>  
**Subject:** RE: Safford Case

Kristine,

That would be great!

Thanks,

Donna

---

**From:** Talbot, Kristine  
**Sent:** Wednesday, September 06, 2017 4:21 PM

**To:** Mullins, Donna <mullins.donna@epa.gov>

**Subject:** FW: Safford Case

Hi Donna- This is all I could find on Safford. There is a draft AO but I could not find a draft AOC. Please let me know if you would like me to draft an AOC as I would be happy to do so.

Thanks,  
Kristine

---

**From:** Talbot, Kristine

**Sent:** Wednesday, April 19, 2017 1:39 PM

**To:** Mullins, Donna <mullins.donna@epa.gov>

**Cc:** Nystrom, Thomas <Nystrom.Thomas@epa.gov>

**Subject:** Safford Case

Donna,

Attached is the referral package from the Corps as well as draft letters and a draft AO with my suggested edits for Raul. I don't know whether Raul contacted the Respondent or if Raul has more recent drafts of these documents.

Please let me know if you have any questions. I look forward to working on this case with you.

Kristine

Kristine Talbot

Office of Regional Counsel

U.S. Environmental Protection Agency, Region 6

(214) 665-8356

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## Mullins, Donna

---

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**Sent:** Thursday, September 07, 2017 8:31 AM  
**To:** Talbot, Kristine  
**Subject:** RE: Safford Case

Kristine,

That would be great!

Thanks,

Donna

---

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**Sent:** Wednesday, September 06, 2017 4:21 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** FW: Safford Case

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Kristine

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**From:** Talbot, Kristine  
**Sent:** Wednesday, April 19, 2017 1:39 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Cc:** Nystrom, Thomas <Nystrom.Thomas@epa.gov>  
**Subject:** Safford Case

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Kristine

Kristine Talbot  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
(214) 665-8356

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## Mullins, Donna

---

**From:** Talbot, Kristine  
**Sent:** Wednesday, September 06, 2017 4:21 PM  
**To:** Mullins, Donna  
**Subject:** FW: Safford Case  
**Attachments:** 2014-02503-SA EPA refer REV 7-13-16 OPTIMIZED.pdf; Safford - EPA acceptance of Corps referral kt edits.doc; Safford Administrative Order kt edits.doc; Safford Cover Letter AO kt edits.doc

Hi Donna- This is all I could find on Safford. There is a draft AO but I could not find a draft AOC. Please let me know if you would like me to draft an AOC as I would be happy to do so.

Thanks,  
Kristine

**From:** Talbot, Kristine  
**Sent:** Wednesday, April 19, 2017 1:39 PM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Cc:** Nystrom, Thomas <Nystrom.Thomas@epa.gov>  
**Subject:** Safford Case

Donna,

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Please let me know if you have any questions. I look forward to working on this case with you.

Kristine

Kristine Talbot  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
(214) 665-8356

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FIRST-CLASS MAIL

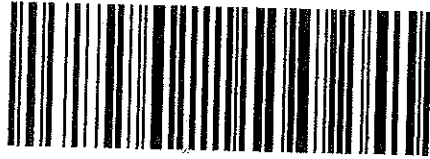
017

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ZIP 75202  
041M12250803

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7010 2780 0002 4356 8830

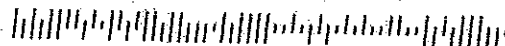
Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, LA 70767



Tracking No: WTS-P0000011940

Wq-P  
EPA REGION 6

Phone: Unspecified  
Received On: 10-10-2017 12:18pm









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Post Office, LLC  
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**2. Article Number**

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☒

☐ Agent

**B. Received by (Printed Name)**

☐ Addressee

**C. Date of Delivery**

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If YES, enter delivery address below: ☐ No

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☐ Express Mail

☐ Registered

☐ Return Receipt for Merchandise

☐ Insured Mail

☐ C.O.D.

**4. Restricted Delivery? (Extra Fee)**

☐ Yes

102595-02-M-1540



11/24/07

Certified Mail - Return Receipt Requested: 70102780000243568823

Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767

Re: Administrative Order, Docket Number CWA-06-2018

Dear Mr. Stafford:

Enclosed is an Administrative Order on Consent "Order" issued by the Environmental Protection Agency, Region 6 "EPA" to Jason Safford "Respondent" citing violations of the Clean Water Act "Act", 33 U.S.C. § 1251 et seq., resulting from dredged and fill activities involving wetlands located in Section 79, Township 8 South and Range 12 East, West Baton Rouge Parish, Bruly, Louisiana. "site". Your compliance with the provisions of this Order is required.

Section 301(a) of the Act, 33 U.S.C. § 1311(a), prohibits the discharge of a pollutant from a point source into waters of the United States without permit authorization issued under the Act. Section 309(a) of the Act, 33 U.S.C. § 1319(a), authorizes the EPA to issue administrative orders requiring compliance with the Act and regulations promulgated thereunder.

EPA has determined that Respondent violated the Act by discharging pollutants to waters of the U.S. without permit authorization. The enclosed Order requires that Respondent take certain action(s), as specified, to comply with the Act. EPA is authorized to issue an administrative order pursuant to Section 309(g) of the Act, 33 U.S.C. § 1319(g), including the assessment of a civil penalty, at a later date, for the violations alleged in this Order.

If you have any questions, I suggest that you contact Ms. Donna Mullins, of my staff at (214) 665-7576.

Sincerely yours,

William K. Honker, P.E.  
Director  
Water Division

Enclosure

Cc: USCOE New Orleans District



9/2/17

UNITED STATES  
ENVIRONMENTAL PROTECTION AGENCY  
REGION 6

In the Matter of:	§	Docket No. CWA 06-2017-2701
	§	
River Bottom Whitetails, LLC	§	
	§	
	§	Proceeding Under § 309(a) of
	§	the Clean Water Act
Respondent	§	

ADMINISTRATIVE ORDER ON CONSENT

I. AUTHORITY

1. The following findings of violations are made and Order issued under the authority vested in the Administrator of the United States Environmental Protection Agency ("EPA") by Section 309(a) of the Clean Water Act ("the Act"), 33 U.S.C. § 1319(a). The Administrator has delegated this authority to the Regional Administrator of EPA Region 6 who further delegated such authority to the Director of the Water Division, EPA Region 6.

II. FINDINGS OF VIOLATIONS

2. EPA makes the following findings of violations in support of its authority to issue this Order on Consent.

3. River Bottom Whitetails, LLC ("Respondent") is a limited liability company created under the laws of the State of Louisiana and as such, Respondent is a "person" as defined by Section 502(5) of the Act, 33 U.S.C. § 1362(5).

4. At all times relevant to the violations alleged herein ("relevant time period"), Respondent owned or controlled real property located at 5867 Choctaw Road (30.381533, -91.291915), Section 79, Township 8 South, Range 12 East), in Brusly, West Baton Rouge Parish, Louisiana ("subject property").

5. On multiple dates between approximately March 2014 and April 29, 2016, Respondent discharged, caused the discharge, directed the discharge, and/or agreed with other persons or business entities to discharge "dredged material" and/or "fill material," as defined by Section 502 of the Act, 33 U.S.C. § 1362, and 40 C.F.R. § 232.2 from point sources, including heavy equipment, in, on, and into approximately 6.9 acres of wetlands and 0.50 acres of deposited fill within the subject property. The impacted wetlands and deposited fill were adjacent to, hydrologically connected to, or had a significant nexus to, a navigable-in-fact body of water.

6. Each piece of heavy equipment used during excavation or construction activities which resulted in a discharge acted as a "point source" as defined by Section 502(14) of the Act, 33 U.S.C. § 1362(14).

7. The dredged and fill material referred to in paragraph 5 was a "pollutant" as defined by Section 502(6) of the Act, 33 U.S.C. § 1362(6).

8. During the relevant time period, the wetlands and deposited fill referred to in paragraph 5 were adjacent to, hydrologically connected to, or had a significant nexus to "navigable waters" as defined by Section 502(7) of the Act, 33 U.S.C. § 1362(7), and 40 C.F.R. § 232.2, and as such, are "waters of the United States" as defined by 40 C.F.R. § 232.2.

9. Section 301(a) of the Act, 33 U.S.C. § 1311(a), provides that it is unlawful for any person to discharge a pollutant from a point source to waters of the United States, except with the authorization of and in compliance with a permit issued under the Act.

10. Section 404 of the Act, 33 U.S.C. § 1344, authorizes the U.S. Army Corps of Engineers ("COE") to issue permits for the discharge of dredged or fill material to waters of the United States.

11. At no time during the relevant time period did Respondent have a permit issued by the

COE that authorized the discharges alleged in paragraph 5.

12. Each day of unauthorized discharge was a violation of Section 301(a) of the Act, 33 U.S.C. § 1311(a).

### III. CONSENT AGREEMENT

13. EPA and Respondent agree that settlement of this matter will save time and resources and is in the public interest and that issuance of this Order on Consent is the most appropriate means of resolving this matter with respect to Respondent's restoration of certain wetlands as described below. Respondent concurs in the issuance of this Order on Consent and agrees to comply with the Order. Respondent neither admits nor denies the findings of violations set forth above.

### IV. COMPLIANCE ORDER

14. Based on the foregoing Findings of Violations and pursuant to the authority of Section 309(a) of the Act, 33 U.S.C. § 1319(a), EPA ORDERS and Respondent agrees to immediately cease any discharge of dredged and/or fill material to waters of the United States on the subject property and to take the following actions:

- a. Respondent shall submit a Restoration Plan ("Plan") for the impacted wetlands and deposited fill described in paragraph 5, *supra*, to EPA for review and approval within thirty (30) days of the effective date of this Order on Consent.
- b. Respondent shall commence the restoration work within thirty (30) days of EPA's approval of the Plan.
- c. Within five (5) days of commencing the restoration work, and within five (5) days of completing the restoration work described in the Plan, Respondent shall

notify EPA via electronic mail addressed to the EPA Project Manager: Donna Mullins, [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov). If the EPA Project Manager changes, EPA shall notify Respondent.

- d. Respondent shall provide EPA with a monthly progress report on the first day of each month addressed to the EPA Project Manager, Donna Mullins, [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov).
- e. Within thirty (30) days after completion of the Plan, Respondent shall submit a brief report describing the completed work to:

Ms. Donna Mullins  
EPA, Region 6  
1445 Ross Ave, Suite 1200  
Dallas, Texas 75202-2733

- f. Within thirty (30) days of completion of the work at the site, Respondent shall, pursuant to Section 404 of the Act, 33 U.S.C. § 1344, apply to the COE for a permit for the dredged and/or fill material that is to remain on the subject property, if any. If Respondent fails to obtain a permit for any reason, Respondent shall restore the impacted wetlands and/or deposited fill within sixty (60) days following the COE's notice to EPA that Respondent failed to submit a permit application within the time provided above, or that Respondent's permit application has been denied or returned to Respondent by the COE without final action. Respondent shall contact Donna Mullins, EPA Region 6, at [mullins.donna@epa.gov](mailto:mullins.donna@epa.gov) upon commencement of the removal of the material and completion of restoration activities.



## V. GENERAL PROVISIONS

15. Respondent waives any and all claims for relief and otherwise available rights or remedies to judicial or administrative review which the Respondent may have with respect to any issue or fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review of this Order on Consent under Sections 701 through 706 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

16. Respondent acknowledges the jurisdiction of EPA to issue the Section 309(a)(3) Order on Consent.

17. Issuance of this Order on Consent shall not be deemed an election by EPA to forego any administrative or judicial, civil or criminal action to seek penalties, fines or any other relief appropriate under the Act for the violations cited herein or other violations that become known to EPA.

18. If EPA issues an administrative complaint or a civil judicial action is initiated by the U.S. Department of Justice, Respondent may be subject to a monetary penalty. The failure to comply with this Order or the Act can result in civil penalties of up to \$52,414 per day of violation. If a criminal action is initiated by the U.S. Department of Justice, Respondent may be subject to a fine and/or imprisonment and may also become ineligible for certain government contracts, grants or loans under Section 508 of the Act, 33 U.S.C. § 1368.

19. Compliance with the terms and conditions of this Order on Consent does not relieve Respondent of the obligation to comply with any applicable federal, state or local law or regulation.

20. The effective date of this Order is the date it is signed and returned by Respondent.

21. Each undersigned representative of the parties to this agreement certifies that he or she is fully authorized by the party represented to enter into the terms and conditions of this agreement and to execute and legally bind that party to it.

In recognition and acceptance of the foregoing:

\_\_\_\_\_  
Mr. Jason Safford  
River Bottom Whitetails, LLC

\_\_\_\_\_  
Date

\_\_\_\_\_  
William K. Honker, P.E.  
Director, Water Division  
U.S. EPA Region 6

\_\_\_\_\_  
Date

## CERTIFICATE OF SERVICE

I hereby certify that on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, the original of the foregoing Administrative Order on Consent was hand delivered to the Regional Hearing Clerk, U.S. EPA, Region 6 (6RC-D), 1445 Ross Avenue, Suite 1200, Dallas, Texas 75202-2733, and that a true and correct copy was placed in the United States Mail, by certified mail, return receipt requested, addressed to the following:

Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767

Copy hand-delivered:

Ms. Kristine Talbot  
Office of Regional Counsel (6RC-EW)  
U.S. EPA Region 6  
1445 Ross Avenue, Suite 1200  
Dallas, TX 75202-2733

Certified by \_\_\_\_\_

- Timbered tract: decided  
redistribution

- wetlands determined  
by Brandon Melville  
& Gray Couret

- Permit Application

- Restore site - wetlands

- Permit drainage access road  
to include; build on  
 $\frac{1}{2}$  acre

- 2 projects - revised permit  
excluded from permit



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 6  
1445 ROSS AVENUE, SUITE 1200  
DALLAS TX 75202-2733

SEP 14 2017

**CERTIFIED MAIL-RECEIPT REQUESTED (70102780000243568830)**

Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767

Re: Unauthorized placement of fill material into wetlands in West Baton Rouge Parish, Louisiana.

Dear Mr. Safford:

The Environmental Protection Agency (EPA) has recently received an enforcement case referral from the New Orleans District of the U.S. Army Corps of Engineers (COE) regarding the above referenced violation. The COE identified you as the party responsible for the activity. The EPA accepted referral of the case under terms of an Enforcement Memorandum of Agreement between the two agencies.

The discharge of fill material into waters of the United States without a permit from the COE is a violation of Section 301 of the Clean Water Act (the Act). The EPA may require the removal of the unauthorized fill and/or assess penalties under Section 309 of the Act. We realize it has been awhile since this activity originally occurred, and would like to discuss this matter with you. Alternatively, we must proceed with a restoration order, a penalty order, or both. We would like to hear from you before taking either of those actions.

We recommend you contact Ms. Donna Mullins of my staff at (214) 665-8331 within 15 days of receipt of this letter to discuss the case, provide us with any information you feel we should have, or discuss our enforcement procedures.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Maria L. Martinez", is written over the typed name.

for Maria L. Martinez  
Chief  
Marine & Wetlands Section

cc: Robert Heffner, New Orleans District Corps of Engineers  
Lourdes Iturralde, Louisiana Department of Environmental Quality



7010 2780 0002 4356 8830

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City, State, ZIP+4 Port Arlen TX 78167

PS Form 3800, August 2006

See Reverse for Instructions





**CERTIFIED MAIL-RECEIPT REQUESTED (70102780000243568830)**

Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767

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Sincerely yours,

Maria L. Martinez  
Chief  
Marine & Wetlands Section

cc: Robert Heffner, New Orleans District Corps of Engineers  
Lourdes Iturralde, Louisiana Department of Environmental Quality





## Bottomland Consulting, LLC

Forestry and Land Management Services

May 18, 2016

CEMVN-OD-SS

ATTN: Chief, Surveillance & Enforcement

U.S. Army Corps of Engineers

7400 Leake Avenue

New Orleans, Louisiana 70118-3651

**RE: MVN-2014-02503-A-SA  
River Bottom Whitetails, LLC  
Response to Cease and Desist Order**

Dear Chief of Surveillance and Enforcement:

On behalf of River Bottom Whitetails LLC, we would like to acknowledge receipt of a COE issued Cease Desist Order. Please let this letter serve as our response and reason for the un-authorized activities on the subject property in W. Baton Rouge. After discussing the situation with RBW associates, it is apparent that work within jurisdictional wetlands was conducted for an activity where a permit was requested and later withdrawn. We would like to assure that RBW did not dis-regard the permit process to obtain authorization for this activity after retracting the original permit from your department. The un-authorized activity was inadvertent and simply a miscommunication between RBW and its contractors as to what was and wasn't permitted.

Please be advised that RBW would like to move forward with submitting an after the fact permit application for the impacts to jurisdictional wetlands and waters associated with the subject property, mitigate for any un-authorized impacts to wetlands, and submit a plan to restore the remaining portion of the site to pre-project elevations and habitat type.

As you begin your evaluation, please do not hesitate to call or email me at 337.849.9978 and [bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com), and I can provide you with any particulars that you may require.

Kindest Regards,

Brandon Melville  
Agent River Bottom Whitetails, LLC

cc: Jason Safford; Al Landry



## Mullins, Donna

---

**From:** Talbot, Kristine  
**Sent:** Wednesday, April 19, 2017 1:39 PM  
**To:** Mullins, Donna  
**Cc:** Nystrom, Thomas  
**Subject:** Safford Case  
**Attachments:** 2014-02503-SA EPA refer REV 7-13-16 OPTIMIZED.pdf; Safford - EPA acceptance of Corps referral kt edits.doc; Safford Administrative Order kt edits.doc; Safford Cover Letter AO kt edits.doc

Donna,

Attached is the referral package from the Corps as well as draft letters and a draft AO with my suggested edits for Raul. I don't know whether Raul contacted the Respondent or if Raul has more recent drafts of these documents.

Please let me know if you have any questions. I look forward to working on this case with you.

Kristine

Kristine Talbot  
Office of Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
(214) 665-8356

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.



## **Mullins, Donna**

---

**From:** Mullins, Donna  
**Sent:** Wednesday, April 19, 2017 2:10 PM  
**To:** Nystrom, Thomas  
**Subject:** RE: Safford case information

I'm in the beginnings of looking at this. Kristine sent me all she had. I'll also get into the share drive. I'll give Raul a call tomorrow.

**From:** Nystrom, Thomas  
**Sent:** Wednesday, April 19, 2017 11:01 AM  
**To:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Safford case information

The Safford case is one that has been transferred to you from Raul, via Jeanene. Lots of information is available on the share drive. You'll have to ask Raul if there is a paper file, . . . you'll need that as well. I think he already wrote the AO.

H:\6wq\6wq-em\Wetlands Enforcement\Project Specific\MVN – Safford

Tom Nystrom  
(214) 665-8331  
EPA Region 6, Wetlands Section  
New Mexico Regulatory Contact  
Enforcement Coordinator





## Mullins, Donna

---

**From:** Nystrom, Thomas  
**Sent:** Wednesday, April 19, 2017 2:12 PM  
**To:** Mullins, Donna  
**Subject:** RE: Safford case information

Excellent. I may give you one of the Tulsa ones as well, maybe both . . . you can let me know how much you can handle.

Tom Nystrom  
(214) 665-8331  
EPA Region 6, Wetlands Section  
New Mexico Regulatory Contact  
Enforcement Coordinator

**From:** Mullins, Donna  
**Sent:** Wednesday, April 19, 2017 2:10 PM  
**To:** Nystrom, Thomas <Nystrom.Thomas@epa.gov>  
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H:\6wq\6wq-em\Wetlands Enforcement\Project Specific\MVN – Safford

Tom Nystrom  
(214) 665-8331  
EPA Region 6, Wetlands Section  
New Mexico Regulatory Contact  
Enforcement Coordinator



## Mullins, Donna

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**To:** Mullins, Donna  
**Subject:** Safford case information

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H:\6wq\6wq-em\Wetlands Enforcement\Project Specific\MVN – Safford

Tom Nystrom  
(214) 665-8331  
EPA Region 6, Wetlands Section  
New Mexico Regulatory Contact  
Enforcement Coordinator





## Bottomland Consulting, LLC

Forestry and Land Management Services

May 18, 2016

CEMVN-OD-SS

ATTN: Chief, Surveillance & Enforcement

U.S. Army Corps of Engineers

7400 Leake Avenue

New Orleans, Louisiana 70118-3651

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River Bottom Whitetails, LLC  
Response to Cease and Desist Order**

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As you begin your evaluation, please do not hesitate to call or email me at 337.849.9978 and [bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com), and I can provide you with any particulars that you may require.

Kindest Regards,

Brandon Melville  
Agent River Bottom Whitetails, LLC

cc: Jason Safford; Al Landry



## Mullins, Donna

---

**From:** Martinez, Maria  
**Sent:** Friday, January 05, 2018 2:39 PM  
**To:** Talbot, Kristine; Gutierrez, Raul; Nystrom, Thomas  
**Cc:** Mullins, Donna  
**Subject:** RE: Safford/River Bottom Whitetails, LLC - FOIA Request  
**Attachments:** Re: Jason Safford AOC; RE: draft of initiation letter for Safford UA

Kristine,

The attached files are the only items that I have.

Maria  
5-2230

**From:** Talbot, Kristine  
**Sent:** Friday, January 05, 2018 1:14 PM  
**To:** Gutierrez, Raul <Gutierrez.Raul@epa.gov>; Nystrom, Thomas <Nystrom.Thomas@epa.gov>; Martinez, Maria <Martinez.Maria@epa.gov>  
**Cc:** Mullins, Donna <mullins.donna@epa.gov>  
**Subject:** Safford/River Bottom Whitetails, LLC - FOIA Request

All,

We recently received a FOIA request (attached) from Safford's attorney for correspondence, reports, photographs, documents, records, etc. generated in relation to River Bottom Whitetails, LLC or Safford related to property near Brusly, West Baton Rouge Parish.

Do you have any responsive documents? If you don't have any responsive documents, please send me an email letting me know. Also, if you are aware of other people who may have responsive documents, please let me know.

Thanks,  
Kristine

Kristine Talbot  
Assistant Regional Counsel  
U.S. Environmental Protection Agency, Region 6  
Office of Regional Counsel (6RC-EW)  
1445 Ross Avenue  
Dallas, Texas 75202  
Tel. (214) 665-8356  
[talbot.kristine@epa.gov](mailto:talbot.kristine@epa.gov)

NOTICE: This communication may contain privileged or otherwise confidential information. If you are not the intended recipient, or believe you have received this communication in error, please delete the copy you received, and do not print, copy, re-transmit, disseminate or otherwise use the information. Thank you.





**Section 404 Enforcement Case Referral**

**Case No. MVN-2014-02503-SA**

**Prepared By: Kyle Gordon**

**U.S. Army Corps of Engineers, New Orleans District**

## TABLE OF CONTENTS

Initial Investigation Report .....	3
Unauthorized Work Description.....	3
Corps History with Responsible Party .....	3
Chronology of Case .....	4
Appendix A: Lead Enforcement Agency Identification .....	5
Appendix B: Vicinity Map .....	7
Appendix C: Signed Tolling Agreement .....	8
Appendix D: Jurisdictional Determination (MVN-2013-02504-2-SC).....	10
Appendix E: Withdrawn after-the-fact permit application (MVN-2014-02541-CM).....	13
Appendix F: Adjacent Jurisdictional Determination (MVN-2013-02504-1-SC).....	21
Appendix G: Signed Certified Mail Receipt for 2016 Cease & Desist Order.....	25
Appendix H: Permit for Parish Drainage Project (MVN-2014-01999-CM).....	26
Appendix I: Email to Agent (11/17/15).....	39
Appendix J: Email to/from Agent (12/1/15).....	40
Appendix K: Email to Agent (1/15/16) .....	42
Appendix L: Email from Agent (1/25/16) .....	45
Appendix M: Email to Agent (3/25/16).....	48
Appendix N: 2016 Google Earth Aerial .....	51
Appendix O: Field Photos (4/26/16) .....	52
Appendix P: Unsigned Cease & Desist Order.....	53
Appendix Q: Comments.....	54
Appendix R: Field Photos (3/21/14).....	55
Appendix S: 1998 Color Infrared Aerial .....	59
Appendix T: 2004 Color Infrared Aerial .....	60
Appendix U: 2010 Color Infrared Aerial.....	61
Appendix V: 2013 Color Aerial .....	62
Appendix W: 2001 LiDAR .....	63

I. INITIAL INVESTIGATION REPORT

- A. Date first reported: March 21, 2014
- B. Date work occurred: 2014 (additional unauthorized work 2016)
- C. Person alleging violation: Anonymous
- D. Responsible party: Mr. Jason Safford  
River Bottom Whitetails, LLC  
1815 Augustine Street  
Port Allen, Louisiana 70767  
PHONE: 225-505-1234  
EMAIL: [jpsafford@cox.net](mailto:jpsafford@cox.net)
- E. Agent: Mr. Brandon Melville  
Bottomland Consulting, LLC  
2194 South Fieldspan Road  
Duson, Louisiana 70529  
PHONE: 337-849-9978  
EMAIL: [bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)
- F. Location of unauthorized work (Appendix B)
  - i. Address: 5867 Choctaw Road, Brusly, Louisiana
  - ii. Section, Township, Range: Section 79, Township 8 South, Range 12 East
  - iii. Coordinates: Lat. 30.381533, Long. -91.291915

II. UNAUTHORIZED WORK DESCRIPTION

- A. Total wetland impacts = 6.9 acres
  - i. Deposition of fill: Total = 0.5 acres
  - ii. Redistribution of fill (mechanized land clearing/grading) = 6.4 acres
- B. The responsible party cleared and graded approximately 6.9 acres of wetlands in 2014. The Corps of Engineers (Corps) confirmed this violation on 3/21/14, completed a jurisdictional determination, and received a Tolling Agreement and after-the-fact permit application for this unauthorized work, as well as a proposed road and "shed" (MVN-2014-02541-CM). The applicant withdrew this permit and stated they would submit a restoration plan for the work. In 2015, West Baton Rouge Parish obtained a permit for drainage improvements, which included an access road on this property (MVN-2014-01999-CM). From late-2015 to early-2016, the Corps contacted the agent and responsible party multiple times regarding the restoration of the original 2014 violation. On 4/29/16, an additional field inspection by the Corps revealed that the original 2014 violation had not be restored, and also revealed additional violations on the property (approximately 0.5 acres of deposited fill) which closely resembled the proposed projects in the withdrawn after-the-fact permit application for the original 2014 violation. A Cease & Desist Order was issued on 5/1/16, but was never signed by the responsible party; however, the comments that were requested in the Cease & Desist Order were received from the responsible party's agent. See Chronology of Case for a more detailed timeline.

III. CORPS HISTORY WITH RESPONSIBLE PARTY

- A. Signed tolling Agreement for 2014 violation (Appendix C)
- B. Jurisdictional determination for violation (MVN-2013-02504-2-SC) (Appendix D)
- C. Withdrawn after-the-fact permit application for 2014 violation (MVN-2014-02541-CM) (Appendix E)
- D. Adjacent jurisdictional determination (MVN-2013-02504-1-SC) (Appendix F)
- E. Signed certified mail receipt from 2016 Cease & Desist Order (Appendix G)

#### IV. CHRONOLOGY OF CASE

- A. 3/21/14: Field investigation by Gary Couret Corps confirmed original violation.
- B. 4/21/14: Signed tolling agreement received (Appendix C).
- C. 5/7/14: Request for jurisdictional determination (JD) request received by Corps.
- D. 6/17/14: JD for violation issued by Corps of Engineers (MVN-2013-02504-2-SC) (Appendix D).
- E. 8/11/14: Original after-the-fact permit application received for proposed "shed" and aggregate road (MVN-2014-02541-CM) submitted by responsible party (Appendix E).
- F. 12/15/14: Additional after-the-fact permit application (MVN-2014-01999-CM) for proposed drainage work and access road submitted by Parish of West Baton Rouge.
- G. 3/30/15: Original after-the-fact permit application (MVN-2014-02541-CM) withdrawn by application because they stated they would rather restore the violation to pre-project conditions.
- H. 4/1/15: After-the-fact permit issued to Parish of West Baton Rouge for drainage work and access road (MVN-2014-02541-CM) (Appendix H).
- I. 11/17/15: Violation reassigned to Kyle Gordon of the Corps upon Gary Couret's retirement. Corps emailed agent requesting status of restoration plan (Appendix I).
- J. 12/1/15: Corps emailed agent and responsible party requesting status of restoration. Corps also left voicemail for responsible party. Agent returned email stating that he would meet with applicant regarding a path forward (Appendix J).
- K. 1/15/16: Corps emailed agent requesting restoration plan (Appendix K).
- L. 1/25/16: Email returned from agent stating that he plans to conduct a field inspection to determine the current condition of the site and to determine a path forward for restoration (Appendix L).
- M. 3/25/16: Emailed agent requesting restoration plan (Appendix M).
- N. 4/26/16: New 2016 aerial released on Google Earth. Noticed that "shed" from withdrawn application (MVN-2014-02541-CM) had been constructed. Also noticed that area that had been cleared was still being maintained as a violation (Appendix N).
- O. 4/29/16: Field inspection by Kyle Gordon of Corps confirmed additional violation. Area around "shed" had been filled and "shed" constructed (see photos). Placed notice of violation sticker at site (Appendix O).
- P. 5/1/16: Sent cease & desist order and requested comments via certified mail (Appendix P).
- Q. 5/6/16: Received signed certified mail receipt but never received signed cease & desist order (Appendix G).
- R. 5/10/16: Call from agent. Stated that responsible party will submit cease & desist order and comments, and would like to permit the "shed" and restore rest of site.
- S. 5/18/16: Received comments from agent (Appendix Q).

## APPENDIX A

### LEAD ENFORCEMENT AGENCY IDENTIFICATION

The purpose of this form is to document the lead enforcement agency designation in accordance with the "Memorandum of Agreement (MOA) Between the Department of the Army and the Environmental Protection Agency (EPA) Concerning Federal Enforcement of the Section 404 Program of the Clean Water Act" dated January 19, 1989.

#### I. INFORMATION

1. Corps File Number: MVN-2014-02503-SA
2. Location (Lat/Long, Section, Township, Range): Lat. 30.381533, Long. -91.291915
3. Landowners: Mr. Jason Safford
4. Contractors: Mr. Brandon Melville
5. Violators: Mr. Jason Safford
6. Date Violation Occurred: 2014 and 2016
7. Date of Investigation & Corps Investigators: 3/21/14- Gary Couret  
4/29/16 - Kyle Gordon
8. Description of Unauthorized Activities: Mechanized land clearing and deposition of fill in wetlands
9. Classification from Part III. D(1):
  - (x) a. Repeat Violator(s)
  - ( ) b. Flagrant Violator
  - (x) c. Particular Case EPA May Request
  - (x) d. Corps Recommends Administrative Penalty
10. Completed Inspection Report (w/photos, maps, and an estimate of impacts in acres, linear feet, and/or cubic yards), and Preliminary Jurisdictional Determination Attached:
11. ORMS Database Query Results for Landowners, Contractors, and/or Violators Attached:
12. Corps Recommendations for Resolution: The Corps recommends administrative penalties and resotation of the site to pre-project conditions and/or after-the-fact permit.

## II. EPA DETERMINATION

- ( ) EPA will act as lead enforcement agency.
- ( ) EPA declines the lead enforcement agency role and refers the matter back to the Corps pursuant to Part III. D(2) of the MOA. EPA's recommendations are:

### If applicable:

EPA requested additional time (*date, time, Corps contact*): \_\_\_\_\_

EPA requested additional information (*date, time, Corps contact, type of info*): \_\_\_\_\_

## III. JOINT ENFORCEMENT STRATEGY (if applicable)

Corps Lead:

EPA Lead:

## IV. CERTIFICATION (must be completed)

	Corps Representative	EPA Representative
Name/Title	Kyle Gordon	
Signature/Date		

**TOLLING AGREEMENT**

**WHEREAS**, the United States of America, on behalf of the United States Army Corps of Engineers (Corps) may file a complaint against

Mr. Jason Safford

---

("potential defendant(s)") for, inter alia, alleged violations of Sections 301(a), 309, & 404 of the Clean Water Act ("CWA"), 33 U.S.C. Sections 1311(a), 1319, & 1344 and/or Section 9, 10, or 13 of the Rivers and Harbors Act of 1899, 33 U.S.C. Sections 401, 403, or 407, and/or Ocean Dumping Act Sections 101 and/or 103 (33 U.S.C. 1411, 1413), at a site commonly known as Section 79, Township 8 South, Range 12 East, West Baton Rouge, Louisiana

---

**WHEREAS**, the purpose of any such complaint would be to obtain appropriate injunctive relief and to impose appropriate civil or criminal penalties for potential defendant(s) alleged violations of the statute(s) cited above;

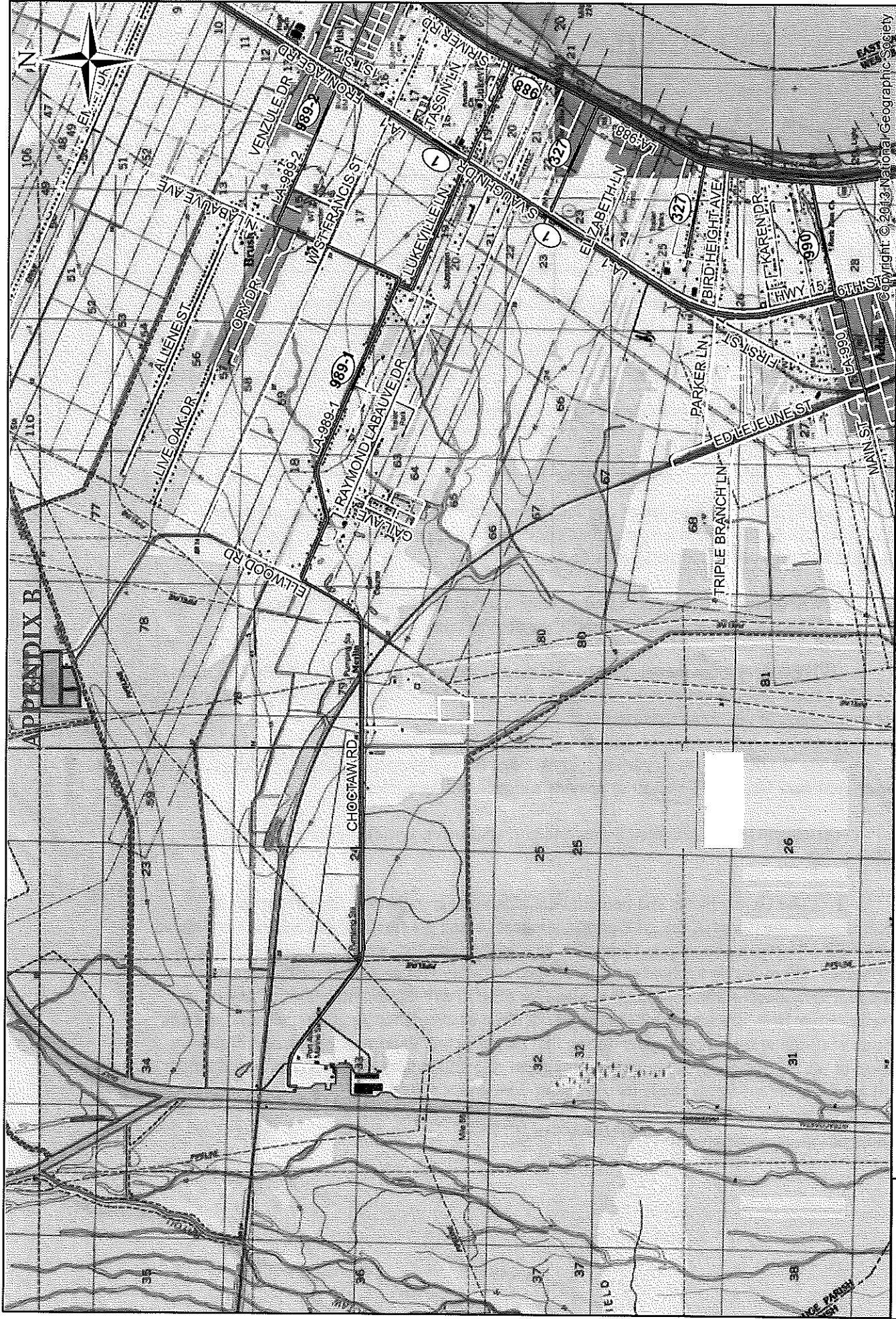
**WHEREAS**, the Corps accepted an after-the-fact (ATF) permit application from the potential defendant(s) in an attempt to settle the above claims;


**WHEREAS**, both parties believe that their interests will best be served by continuing the ATF permit process without the disruption that might be occasioned should the United States file a complaint in the immediate future;

**AND WHEREAS** both parties acknowledge the requirement found at 33 C.F.R. 331.11(c) for an applicant for an ATF permit to provide a signed tolling agreement;

**THEREFORE**, the United States and potential defendant(s) stipulate and agree as follows:

1. The United States and potential defendant(s) agree that the time between the acceptance by the Corps of the ATF permit application and the final Corps decision (as defined at 33 CFR 331.10), plus one year thereafter, will not be included in calculating any statute of limitations that might be applicable to the alleged statutory violation(s) described above. Potential defendants agree not to assert, plead, or raise in any fashion on behalf of any party, whether by answer, motion, or otherwise, any defense or avoidance based on the running of any statute of limitations that may apply during that period or any defense or avoidance based on laches or other principle concerning the timeliness of commencing a civil action, based on the failure of the United States to file its complaint during that period.






**US Army Corps  
of Engineers**  
New Orleans District

**Vicinity Map**  
Project Location

**MVN-2014-02503-SA**

USGS Topo

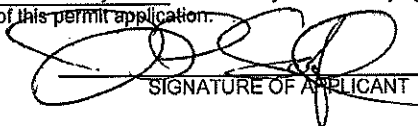
0 1,050 2,100 4,200 6,300 8,400



Feet



## APPENDIX E

U.S. ARMY CORPS OF ENGINEERS APPLICATION FOR DEPARTMENT OF THE ARMY PERMIT 33 CFR 325. The proponent agency is CECW-CO-R.		Form Approved - OMB No. 0710-0003 Expires: 31-AUGUST-2013	
<p>Public reporting for this collection of information is estimated to average 11 hours per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of the collection of information, including suggestions for reducing this burden, to Department of Defense, Washington Headquarters, Executive Services and Communications Directorate, Information Management Division and to the Office of Management and Budget, Paperwork Reduction Project (0710-0003). Respondents should be aware that notwithstanding any other provision of law, no person shall be subject to any penalty for failing to comply with a collection of information if it does not display a currently valid OMB control number. Please DO NOT RETURN your form to either of those addresses. Completed applications must be submitted to the District Engineer having jurisdiction over the location of the proposed activity.</p>			
PRIVACY ACT STATEMENT			
<p>Authorities: Rivers and Harbors Act, Section 10, 33 USC 403; Clean Water Act, Section 404, 33 USC 1344; Marine Protection, Research, and Sanctuaries Act, Section 103, 33 USC 1413; Regulatory Programs of the Corps of Engineers; Final Rule 33 CFR 320-332. Principal Purpose: Information provided on this form will be used in evaluating the application for a permit. Routine Uses: This information may be shared with the Department of Justice and other federal, state, and local government agencies, and the public and may be made available as part of a public notice as required by Federal law. Submission of requested information is voluntary, however, if information is not provided the permit application cannot be evaluated nor can a permit be issued. One set of original drawings or good reproducible copies which show the location and character of the proposed activity must be attached to this application (see sample drawings and/or instructions) and be submitted to the District Engineer having jurisdiction over the location of the proposed activity. An application that is not completed in full will be returned.</p>			
(ITEMS 1 THRU 4 TO BE FILLED BY THE CORPS)			
1. APPLICATION NO. MVN-2014-02541-CM	2. FIELD OFFICE CODE	3. DATE RECEIVED AUG 11 2014	4. DATE APPLICATION COMPLETE
(ITEMS BELOW TO BE FILLED BY APPLICANT)			
5. APPLICANT'S NAME First - Jason Middle - Last - Safford Company - River Bottom Whitetails, LLC E-mail Address - jpsafford@cox.net		8. AUTHORIZED AGENT'S NAME AND TITLE (agent is not required) First - Cletus Middle - Last - Langlois Company - Patin Engineers and Surveyors, Inc. E-mail Address - clanglois@patinengr-survey.com	
6. APPLICANT'S ADDRESS: Address- 1815 Auguste Street City - Port Allen State - LA Zip - 70767 Country - USA		9. AGENT'S ADDRESS: Address- 4463 La. Hwy. 1 South, Suite F City - Port Allen State - LA Zip - 70767 Country - USA	
7. APPLICANT'S PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 225-505-1234		10. AGENTS PHONE NOS. w/AREA CODE a. Residence b. Business c. Fax 225-387-2167	
STATEMENT OF AUTHORIZATION			
11. I hereby authorize, Patin Engineers & Surveyors Inc to act in my behalf as my agent in the processing of this application and to furnish, upon request, supplemental information in support of this permit application.  8-6-14 SIGNATURE OF APPLICANT DATE			
NAME, LOCATION, AND DESCRIPTION OF PROJECT OR ACTIVITY			
12. PROJECT NAME OR TITLE (see instructions) Proposed Wetlands Impact Area & Proposed Ditch Fill Area			
13. NAME OF WATERBODY, IF KNOWN (If applicable) n/a		14. PROJECT STREET ADDRESS (If applicable) Address n/a	
15. LOCATION OF PROJECT 20.352004 - 91.292524 Latitude: +N 683953.66 (State Plane) Longitude: +W 3293430.78 (St. Pla.)		City - Brusly State - LA Zip - 70719	
16. OTHER LOCATION DESCRIPTIONS, IF KNOWN (see instructions) State Tax Parcel ID 203800003000 Municipality West Baton Rouge Parish Section - 79 Township - 8 South Range - 12 East			

17. DIRECTIONS TO THE SITE

Take the Plaquemine Exit off of Interstate 10. Head South on La. Hwy. 1 South. After crossing the Intracoastal Waterway, go 3.7 miles, take a right on St. Francis Street. Go 0.7 miles then take a left on Choctaw Road. Stay on Choctaw Road for 2.6 miles. Site will be on your left.

18. Nature of Activity (Description of project, include all features)

The first activity on this project is the proposed wetlands impact area. This area is 0.734 Acres with dimensions shown on drawings. It will include: creating a new ditch, creating a limestone road and creating an equipment shed area. All of these shown on drawings. Work to be done with dozer, excavator and dump trucks.

The second activity will be filling in on existing ditch. All dimensions shown on drawings. Same equipment will be used.

The third activity will be filling in and re-routing other waters ditches. These will all be re-routed into a the proposed retention pond. All of this also shown on drawings.

19. Project Purpose (Describe the reason or purpose of the project, see instructions)

The purpose of this project is to create adequate drainage for a proposed future subdivision that will be located North of this property on a non-wetland area. This proposed subdivision will also be taking in adjacent properties drainage so it will be beneficial to more people than just the applicant. This project will also provide the landowner with access to his adjacent property as well as a camp site area which is shown in the drawings. Project will start as soon as permit is issued.

USE BLOCKS 20-23 IF DREDGED AND/OR FILL MATERIAL IS TO BE DISCHARGED

20. Reason(s) for Discharge

Approximately 1,308 cubic yards of material will be dredged from proposed ditch. Approximately 318 cubic yards of this material will be used to fill in the proposed ditch fill area. The remainder will be used to fill in other waters or be relocated to a non-wetland area located 600 yards north of this area as shown on vicinity map. Approximately 136 cubic yards of compacted fill will be brought in for limestone road base. Approximately 67 cubic yards of limestone will be brought in for road.

21. Type(s) of Material Being Discharged and the Amount of Each Type in Cubic Yards:

Type Amount in Cubic Yards	Type Amount in Cubic Yards	Type Amount in Cubic Yards
Compacted Base Fill - 136 c.y.	Limestone - 67 c.y.	Sharky Clay (from ditch excavation) 318 c.y.

22. Surface Area in Acres of Wetlands or Other Waters Filled (see instructions)

Acres    Approx. 0.73 Ac. Wetlands impacted (see dwgs. for dimensions/details); Approx. 0.14 Ac. other waters filled in wetlands;  
or

Linear Feet    Approx. 0.37 Ac. of other waters filled outside of wetlands.

23. Description of Avoidance, Minimization, and Compensation (see instructions)

The 0.14 Acres of other waters that will be filled should help the adjacent non-wetland area become wetlands. Other waters outside of wetlands will not be affected by this. The 0.37 of other waters that will be filled will be re-routed to drain into proposed retention pond. This will improve the other waters drainage. After leaving the retention pond, the other waters will then drain into our proposed ditch. Which will lead into an existing ditch, which the West Baton Rouge Parish will improve once their permit is approved. (see other Permit Application for this area)

24. Is Any Portion of the Work Already Complete? ☐ Yes ☒ No IF YES, DESCRIBE THE COMPLETED WORK

25. Addresses of Adjoining Property Owners, Lessees, Etc., Whose Property Adjoins the Waterbody (if more than can be entered here, please attach a supplemental list).

a. Address- 1815 Auguste Street (Owner: River Bottom Whitetails, LLC)

City - Port Allen State - La Zip - 70767

b. Address- P.O. Box 1431 (Owner: George C. Latiolais)

City - Brusly State - La Zip - 70719

c. Address- 2412 Oak Alley (Owner: Kenneth L. Blanchard)

City - Port Allen State - La Zip - 70767

d. Address-

City - State - Zip -

e. Address-

City - State - Zip -

26. List of Other Certificates or Approvals/Denials received from other Federal, State, or Local Agencies for Work Described in This Application.

AGENCY	TYPE APPROVAL*	IDENTIFICATION NUMBER	DATE APPLIED	DATE APPROVED	DATE DENIED

\* Would include but is not restricted to zoning, building, and flood plain permits

27. Application is hereby made for permit or permits to authorize the work described in this application. I certify that this information in this application is complete and accurate. I further certify that I possess the authority to undertake the work described herein or am acting as the duly authorized agent of the applicant.

SIGNATURE OF APPLICANT

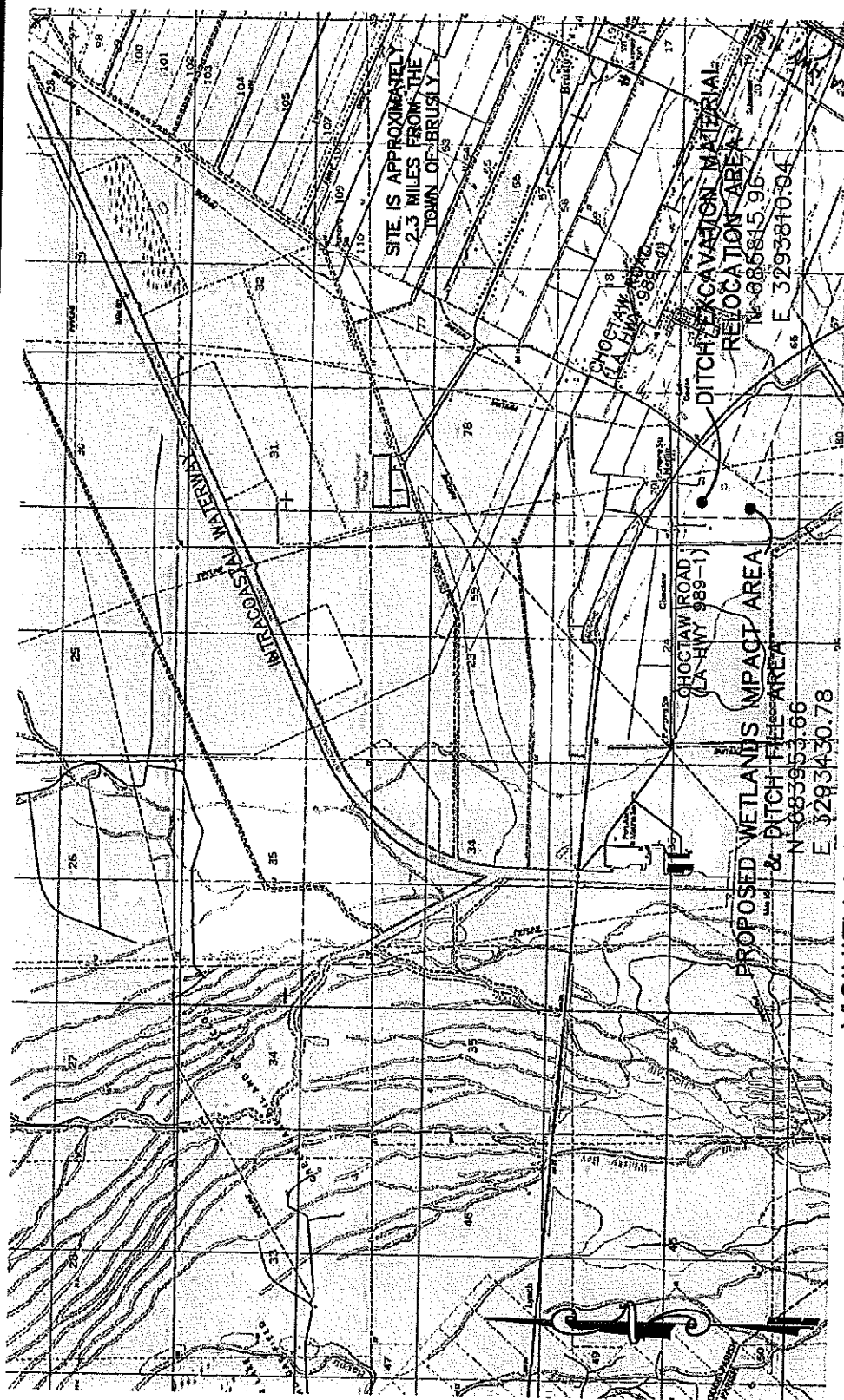
8-6-14  
DATE

SIGNATURE OF AGENT

8-7-14  
DATE

The Application must be signed by the person who desires to undertake the proposed activity (applicant) or it may be signed by a duly authorized agent if the statement in block 11 has been filled out and signed.

18 U.S.C. Section 1001 provides that: Whoever, in any manner within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up any trick, scheme, or disguises a material fact or makes any false, fictitious or fraudulent statements or representations or makes or uses any false writing or document knowing same to contain any false, fictitious or fraudulent statements or entry, shall be fined not more than \$10,000 or imprisoned not more than five years or both.



VICINITY MAP:

PROPOSED WETLANDS IMPACT AREA

&

PROPOSED DITCH FILL AREA

(SCALE: 1"=4000')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA  
FOR

**RIVER BOTTOM WHITETAILS, LLC.**

This Plot may not be used in any other way or form without the express written permission of Patin Engineers & Surveyors, Inc. Use for any other purpose shall be at user's sole risk without any liability to Patin Engineers & Surveyors, Inc. Any Use or Revisions made to this drawing without the written authorization of Patin Engineers & Surveyors, Inc. WILL VOID THIS PLAT.

**PESI**



**PATIN ENGINEERS  
& SURVEYORS**

INCORPORATED

4463 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70787  
OFFICE (225) 387-2167  
FAX: (225) 388-8006

Drawn: TDF

Date: 8/5/14

Job No: 13-189

Sheet: 1/4

## APPENDIX I

### Gordon, Kyle MVN

---

**From:** Gordon, Kyle MVN  
**Sent:** Tuesday, November 17, 2015 8:56 AM  
**To:** 'bottomlandconsulting@gmail.com'  
**Subject:** River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,

Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

To fully resolve the non-drainage project violations associated with this property, it appears that your client has decided to restore the remainder of the cleared wetlands. Since it also appears, that the original intent of the clearing was for timber operations, this site could be planted or allowed to self-restore for future timbering operations. If this is the case, the clearing could potentially qualify for the Clean Water Act's silviculture exemption. To qualify for this exemption, we'll need to be assured that the clearing (excluding the clearing associated with the drainage project) was for timbering purposes only, that the site will be restored (or allowed to restore), and that the site will remain a silviculture operation with another future harvest. We'll also need to be assured that the shed and limestone road that were proposed in the initial permit application dated August 11, 2014 have not and will not be constructed in the wetland area.

If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

Kyle Gordon  
Botanist  
U.S. Army Corps of Engineers  
New Orleans District  
504.862.1627  
kyle.b.gordon@usace.army.mil

## APPENDIX J

### Gordon, Kyle MVN

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Tuesday, December 01, 2015 11:55 AM  
**To:** Gordon, Kyle MVN  
**Subject:** [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle-

I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

Sent from my iPhone

> On Dec 1, 2015, at 11:12 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>

> Brandon,

> Just checking to see if you have any updates to my email below. Thank you.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Gordon, Kyle MVN

> Sent: Tuesday, November 17, 2015 8:56 AM

> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>

> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

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> Brandon,

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## APPENDIX K

### Gordon, Kyle MVN

---

**From:** Gordon, Kyle MVN  
**Sent:** Friday, January 15, 2016 10:52 AM  
**To:** Brandon Melville  
**Subject:** RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,

I never heard from Mr. Safford regarding this project. I'm just checking to see if you happen to have any updates or information. Thanks.

Kyle Gordon  
Botanist  
U.S. Army Corps of Engineers  
New Orleans District  
504.862.1627  
kyle.b.gordon@usace.army.mil

-----Original Message-----

**From:** Gordon, Kyle MVN  
**Sent:** Tuesday, December 01, 2015 12:42 PM  
**To:** 'Brandon Melville' <bottomlandconsulting@gmail.com>  
**Subject:** RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,

Thanks for the information and thanks for getting back with me. I also emailed Jason Safford, so I'll let you know if I hear something from him first.

The Angelle Industries application is being reviewed by Johnny Duplantis. He can be reached at 504-862-2548 or johnny.j.duplantis@usace.army.mil.

Kyle Gordon  
Botanist  
U.S. Army Corps of Engineers  
New Orleans District  
504.862.1627  
kyle.b.gordon@usace.army.mil

-----Original Message-----

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Tuesday, December 01, 2015 11:55 AM  
**To:** Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>  
**Subject:** [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle-

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> If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

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> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

>



## APPENDIX L

### Gordon, Kyle MVN

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Monday, January 25, 2016 4:05 PM  
**To:** Gordon, Kyle MVN  
**Subject:** Re: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle,

Hope all is well. I have talked to Mr. Safford and his associates. I requested a copy of the permit that was obtained for the parish so when I go out there I can address what was permitted versus what was part of the cease and desist issues by Gary. I'll keep you posted. Thanks

B

Sent from my iPhone

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> -----Original Message-----

> From: Gordon, Kyle MVN

> Sent: Tuesday, December 01, 2015 12:42 PM

> To: 'Brandon Melville' <bottomlandconsulting@gmail.com>

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> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

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> From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
> Sent: Tuesday, December 01, 2015 11:55 AM  
> To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>  
> Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)  
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>> Kyle Gordon  
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>> U.S. Army Corps of Engineers  
>> New Orleans District  
>> 504.862.1627  
>> kyle.b.gordon@usace.army.mil  
>>  
>>  
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>> From: Gordon, Kyle MVN  
>> Sent: Tuesday, November 17, 2015 8:56 AM  
>> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>  
>> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)  
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>> Brandon,  
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> Kyle Gordon

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> kyle.b.gordon@usace.army.mil

>

>

>

## APPENDIX M

### Gordon, Kyle MVN

---

**From:** Gordon, Kyle MVN  
**Sent:** Friday, March 25, 2016 9:39 AM  
**To:** 'Brandon Melville'  
**Subject:** RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Brandon,  
It's been two months since I last heard from you regarding this violation. Do you have any updates?

Kyle Gordon  
Botanist  
U.S. Army Corps of Engineers  
New Orleans District  
504.862.1627  
kyle.b.gordon@usace.army.mil

-----Original Message-----

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Monday, January 25, 2016 4:05 PM  
**To:** Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>  
**Subject:** Re: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

Kyle,

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Sent from my iPhone

> On Jan 15, 2016, at 10:52 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>  
> Brandon,  
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> Kyle Gordon  
> Botanist  
> U.S. Army Corps of Engineers  
> New Orleans District  
> 504.862.1627  
> kyle.b.gordon@usace.army.mil

> -----Original Message-----

> **From:** Gordon, Kyle MVN  
> **Sent:** Tuesday, December 01, 2015 12:42 PM  
> **To:** 'Brandon Melville' <bottomlandconsulting@gmail.com>  
> **Subject:** RE: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

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>> Kyle Gordon

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>> U.S. Army Corps of Engineers

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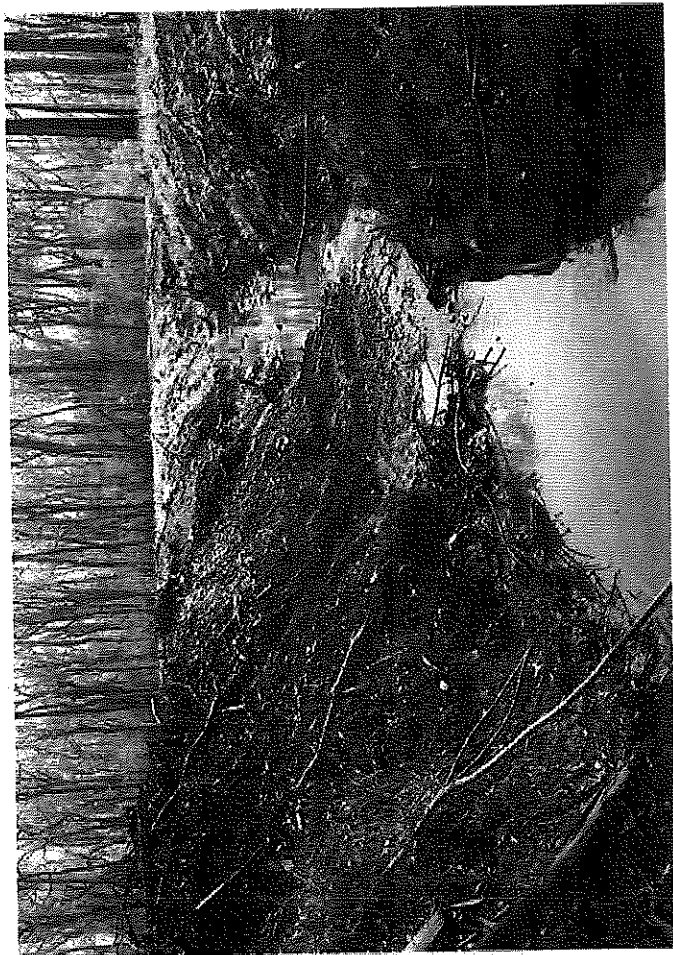
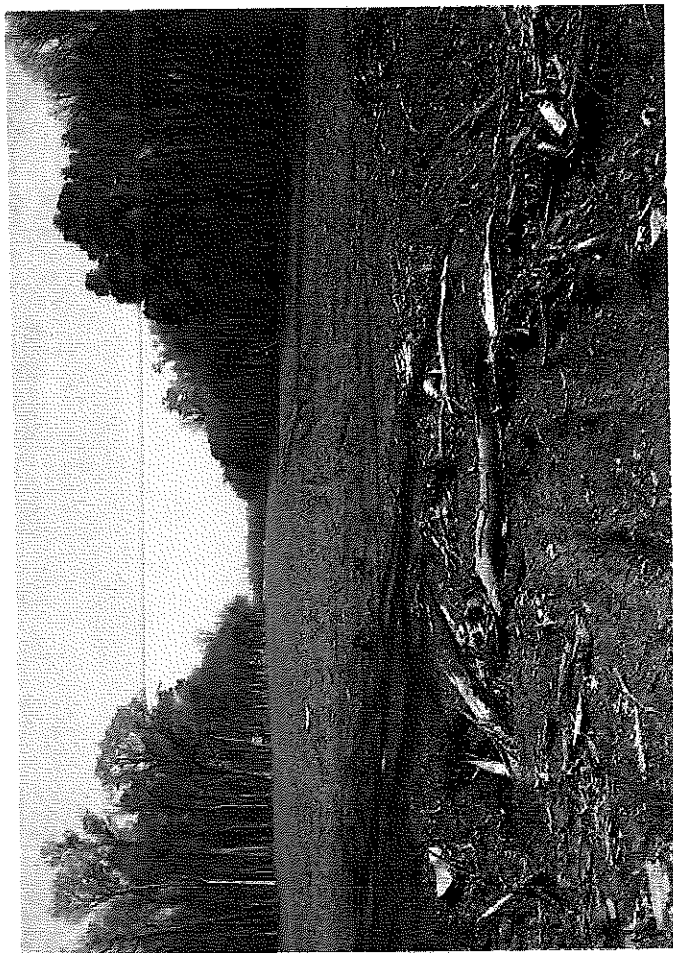
>

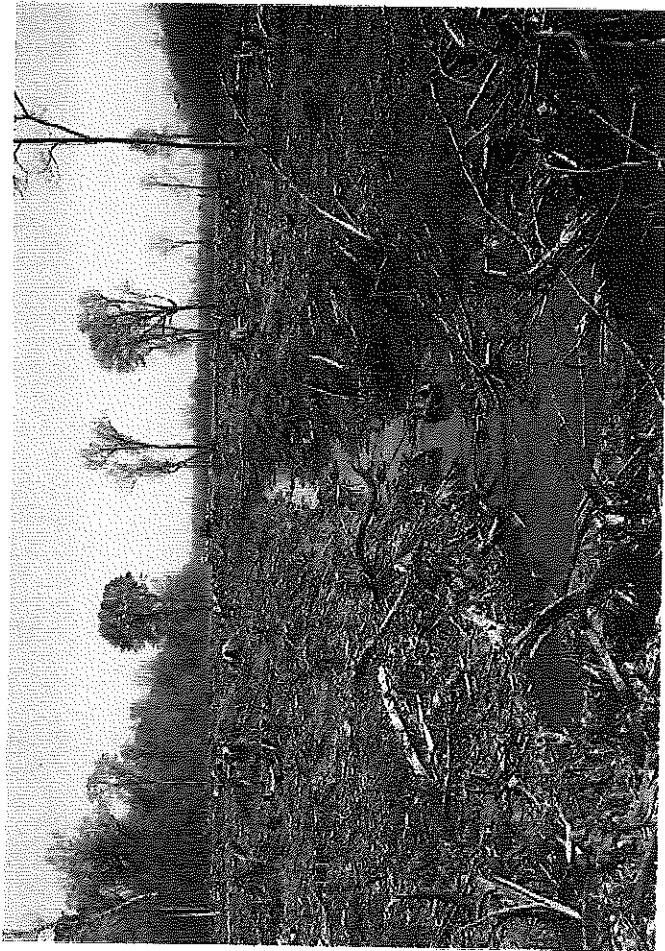
>

# APPENDIX Photos 3-1 Corps: One

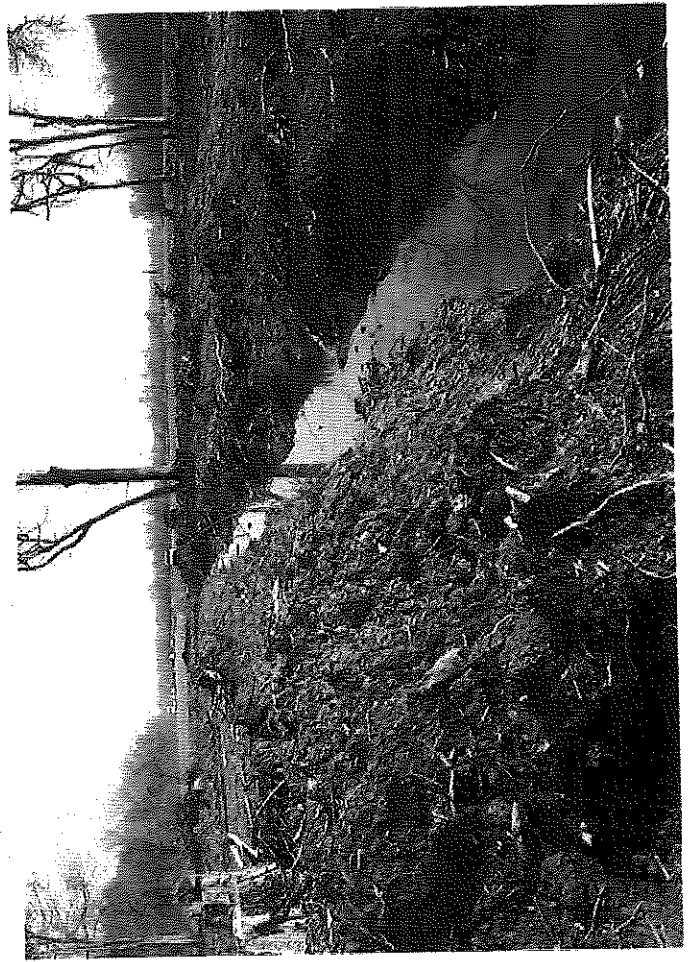


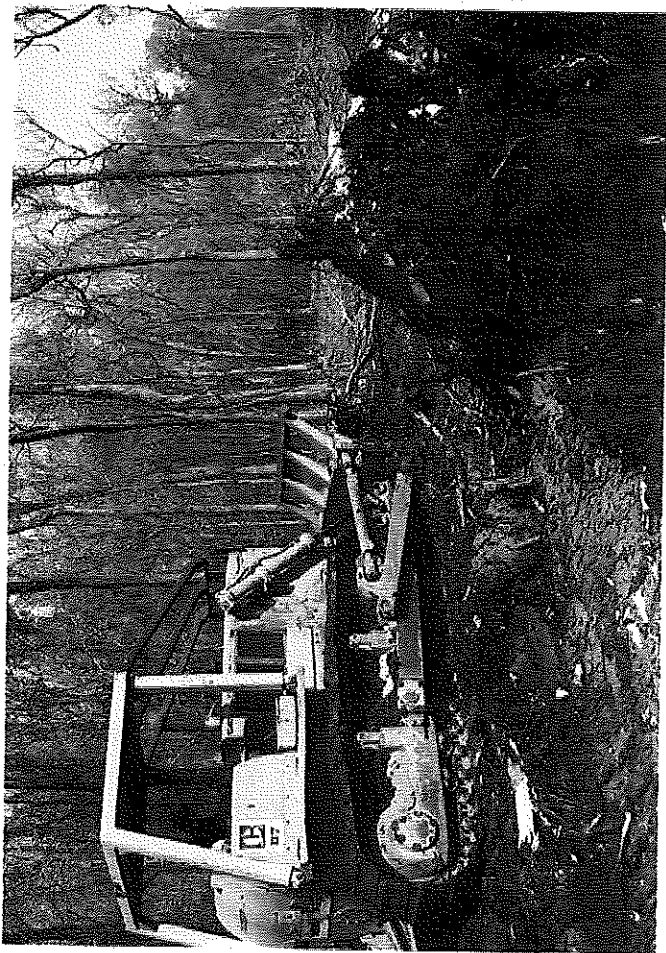
↑ ADJACENT PROPERTY DOWNSTREAM OF LOT











# APPENDIX N



Google earth



Image © 2016 DigitalGlobe



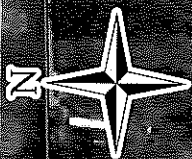
## APPENDIX O



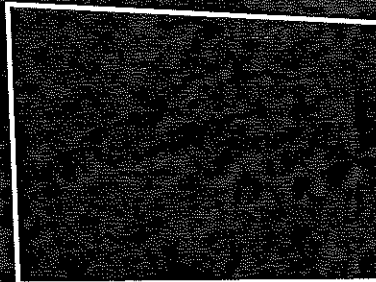


 <p><b>US Army Corps of Engineers</b> New Orleans District</p>	<p><b>Site Map</b> Project Location</p>	<p><b>MVN-2014-02503-SA</b></p>	<p>1998</p>
<p>0 140 280 560 840 1,120 Feet</p> 			





WELDON LN



# Site Map

Project Location



US Army Corps  
of Engineers  
New Orleans District

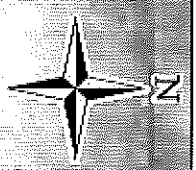
MVN-2014-02503-SA

2004

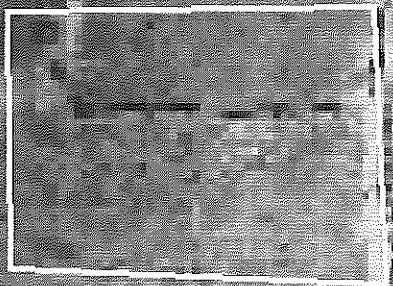
0 140 280 560 840 1,120

Feet

APPENDIX W



WELDON LN



Site Map  
Project Location

Value  
High : 22.5713  
Low : 2.51335



MVN-2014-02503-SA		LIDAR			
0	140	280	560	840	1,120
Feet					







**Site Map**  
Project Location



US Army Corps  
of Engineers  
New Orleans District

MVN-2014-02503-SA

2013







US Army Corps  
of Engineers  
New Orleans District

# Site Map Project Location

MVN-2014-02503-SA

2008



## APPENDIX F



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

JUN 03 2014

Operations Division  
Surveillance and Enforcement Section

Mr. Brandon Melville  
Bottomland Consulting, LLC  
2194 South Fieldspan Road  
Duson, Louisiana 70529

Dear Mr. Melville:

Reference is made to your request, on behalf of JS Enterprises, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 79, Township 8 South, Range 12 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as an approximately 38-acre tract located on and south of LA-989-1 (Choctaw Road) and east of Weldon Lane in Brusly, Louisiana.

Based on review of recent maps, aerial photography, soils data, and the information provided with your request, we have determined that this property is not in a wetland subject to Corps' jurisdiction. However, a Department of the Army permit under Section 404 of the Clean Water Act will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

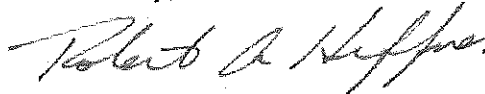
This delineation/determination has been conducted to identify the limits of the Corps' Clean Water Act jurisdiction for the particular site identified in your request. This delineation/determination may not be valid for the wetland conservation provisions of the Food Security Act of 1985, as amended. If the property owner or tenant is a USDA farm participant, or anticipates participation in USDA programs, a certified wetland determination should be requested from the local office of the Natural Resources Conservation Service prior to starting work.

You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Gary Couret at (337) 291-3042 and reference our Account No. MVN-2013-02504-1-SC. If you have specific questions regarding the permit process or permit applications, please contact our Western Evaluation Section at (504) 862-2261. The New Orleans District

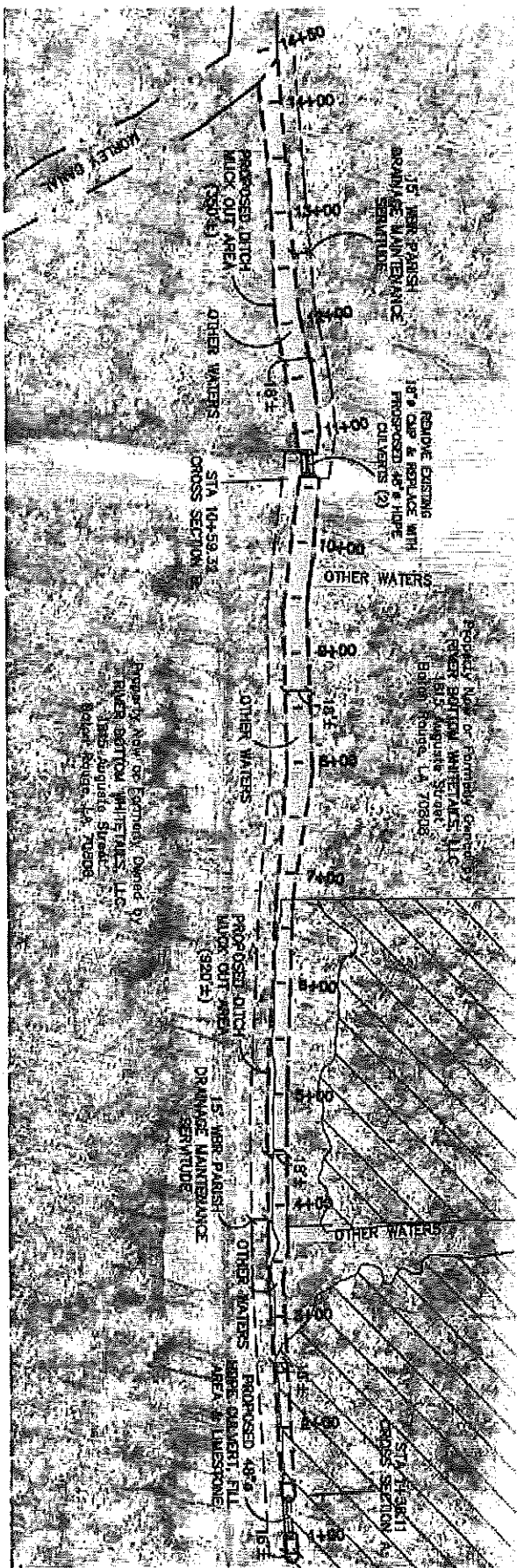
Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,



Martin S. Mayer  
Chief, Regulatory Branch

Enclosures



# PLAN: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 14+50

(SCALE: 1"=140')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA  
N 683953.66 & E 3293430.78

FOR

WEST BATON ROUGE PARISH

- NOTES:**
- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
  - 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
  - 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
  - 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
  - 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD83/83).

## LEGEND:

- Proposed Ditch
- Muck Out Area
- Other Waters
- Existing Ditch Limits
- Wetland Limits

0+00

Stations

This Plan may not be used in any other way or form without the express written permission of Pugh Engineers & Surveyors, Inc. Use for any other purpose shall be at user's sole risk without any liability to Pugh Engineers & Surveyors, Inc. Any Use or Resale made to the contrary without the written authorization of Pugh Engineers & Surveyors, Inc. WILL VOID THIS PLAN.



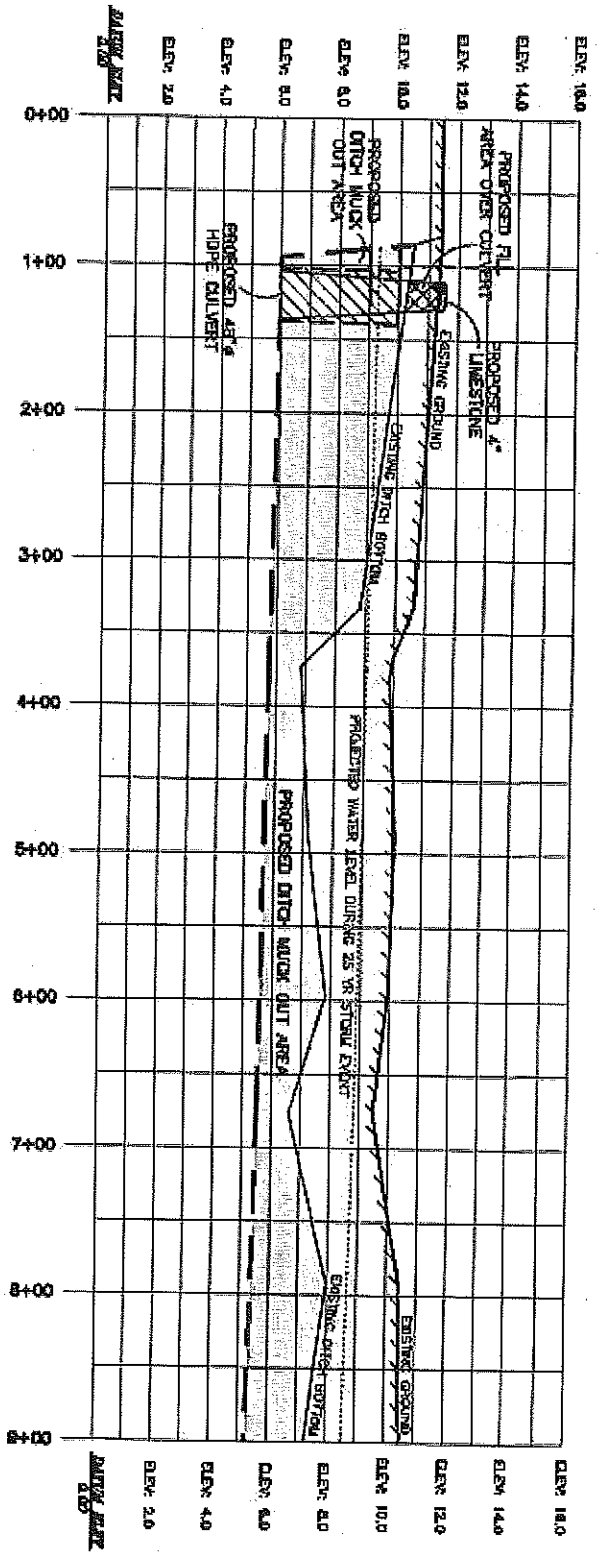
**PATIN ENGINEERS  
& SURVEYORS**

INCORPORATED

4463 LA HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE (225) 387-2167  
FAX (225) 388-8006

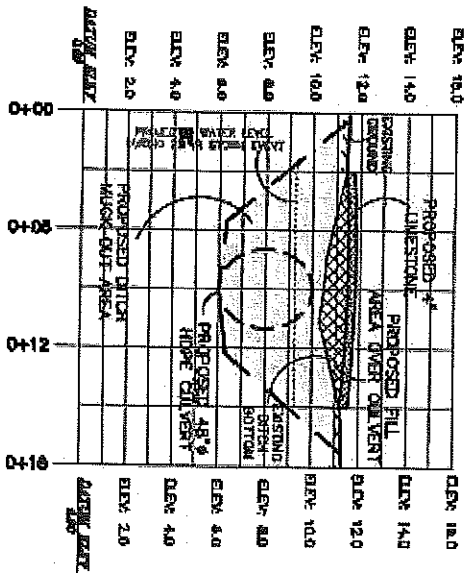
Project: TDF Date: 11/14/13 Job No: 13-188 Sheet: 6/8





**PROFILE: PROPOSED DITCH MUCK OUT AREA**

STA 0+00 TO 9+00  
 (SCALES: HORIZ. 1"=120', VERT. 1"=6')



**CROSS SECTION A:**

STA 1+38.11  
 (SCALE: N.T.S.)

**NOTES:**

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) EXISTING MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND CLAMP TRUCK (AND 25/25).
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83/89).
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROTECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

**LEGEND:**

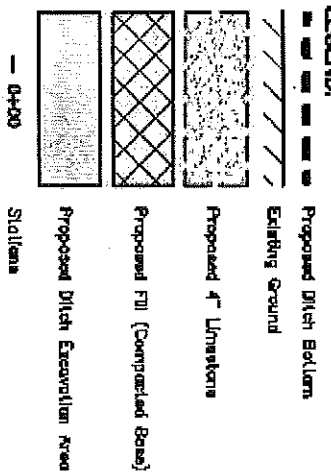
- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Outvert
- Proposed Muck Out Area
- Station



**PATIN ENGINEERS & SURVEYORS**  
 INCORPORATED

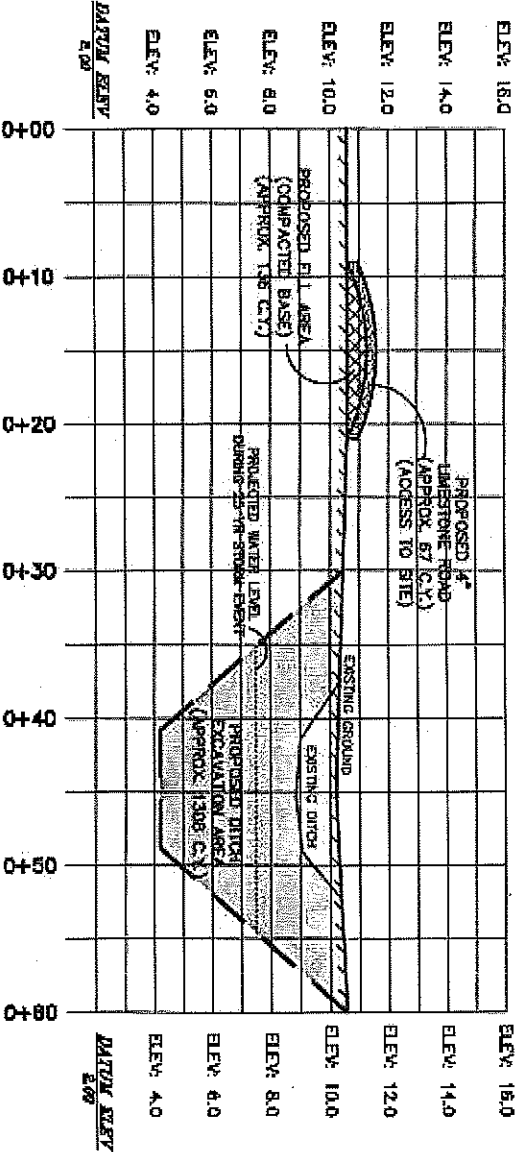
4443 LA HWY. 1 SOUTH,  
 SUITE F  
 PORT ALLEN, LA 70787  
 OFFICE: (225) 387-2187  
 FAX: (225) 388-9008

# LEGEND:



## NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1300 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4.) DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA (SEE VICINITY MAP FOR LOCATION). EQUIPMENT USED: ESCAVATOR AND DRAP TRUCK.
- 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF DITCHES ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.



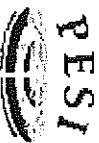
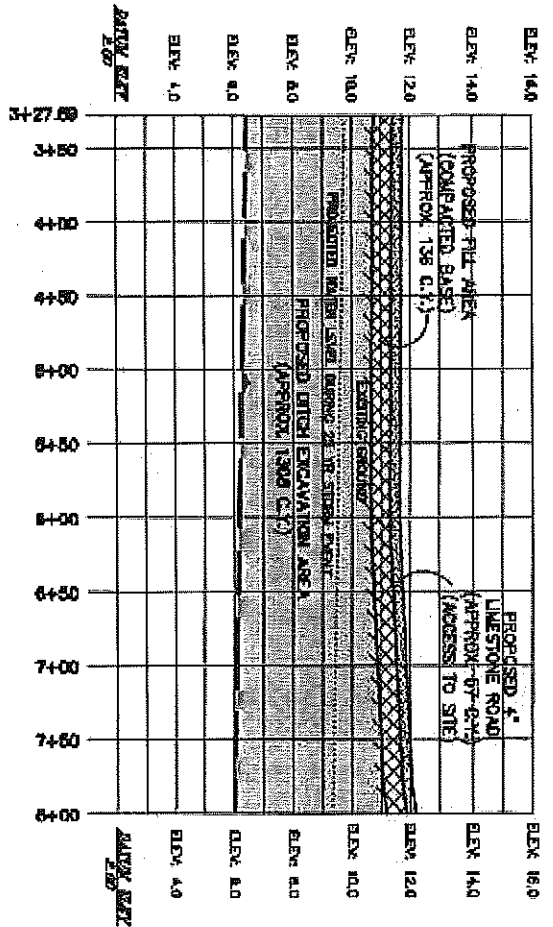
## TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

## PROFILE: PROPOSED WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00

(SCALE: HORIZ. 1"=120', VERT. 1"=6')



PES I  
RATIN ENGINEERS  
& SURVEYORS  
INCORPORATED

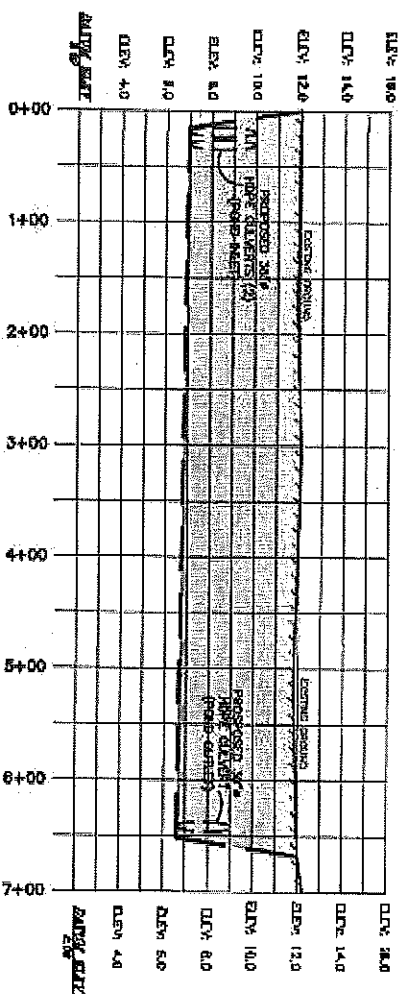
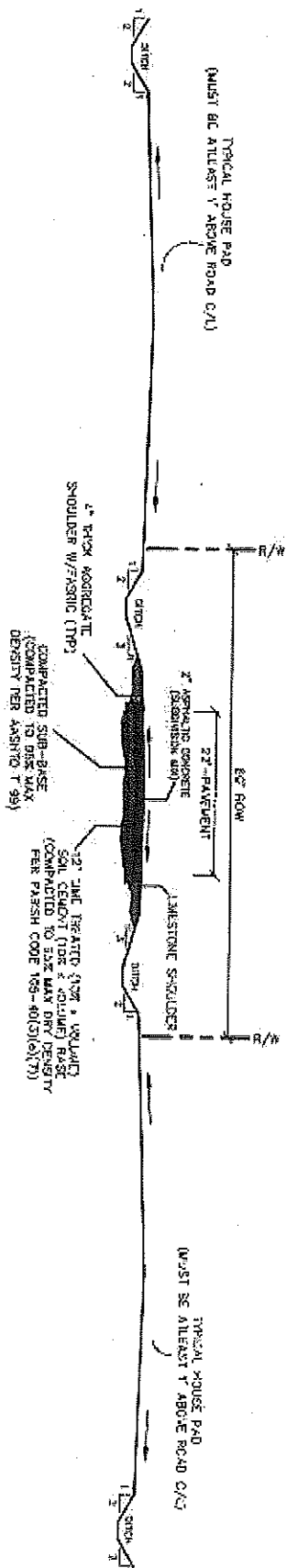
4403 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 397-2167  
FAX: (225) 398-0006

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Drawing Title: Date: 11/13/14 Job No: 13-189 Sheet: 4/8

# TYPICAL ROAD AND HOUSE PAD CROSS SECTION FOR HUNTER'S POINTE SUBDIVISION:

(SCALE: N.T.S.)



## RETENTION POND CROSS SECTION:

(SCALE: N.T.S.)

### LEGEND:



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SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-8006

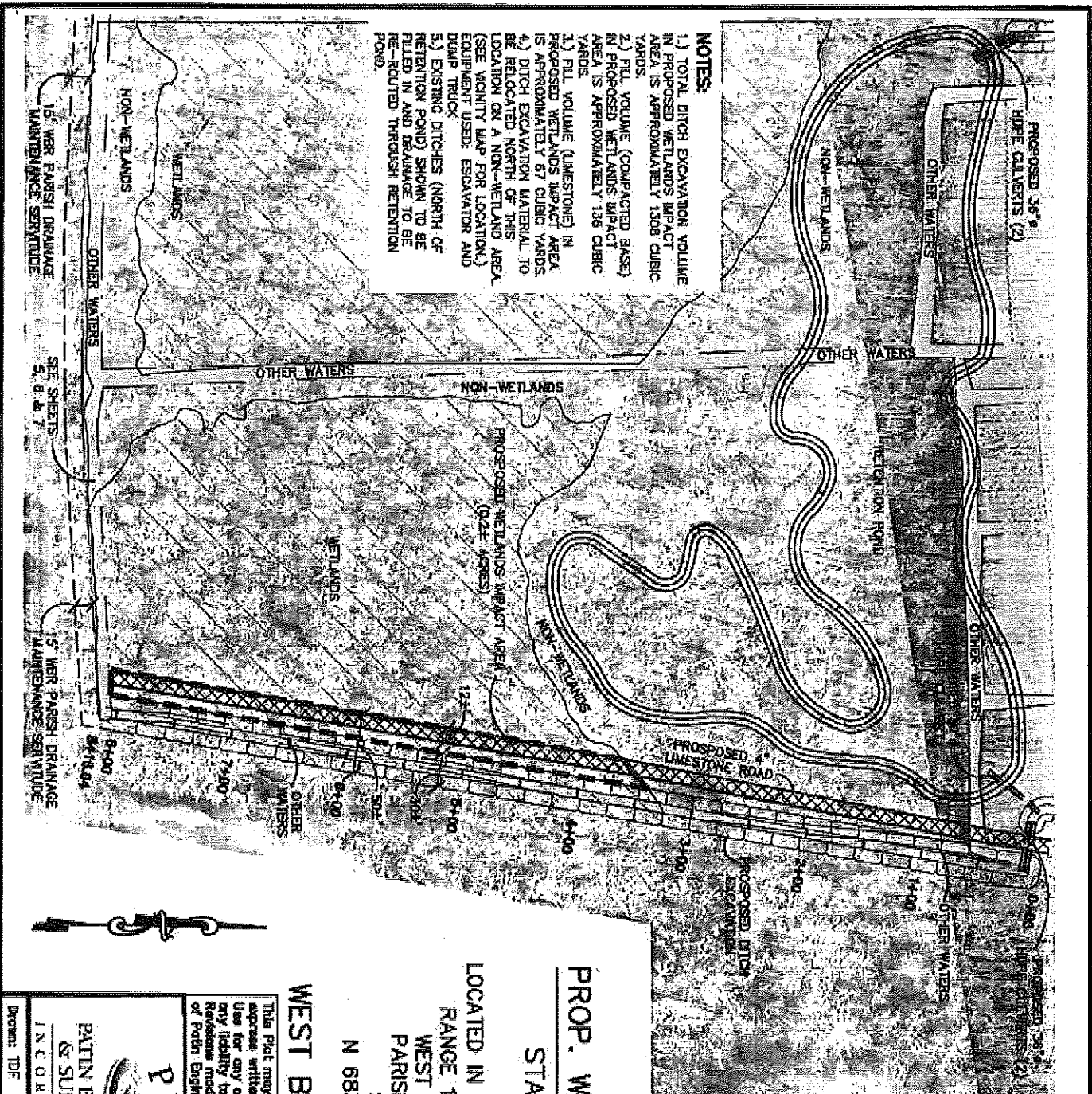
Drawn: TDF

Date: 11/13/14

Job No: 13-189

Sheet: 5/8





- NOTES:**
- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
  - 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
  - 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 87 CUBIC YARDS.
  - 4.) DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK.
  - 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.

**LEGEND:**

- Proposed Wetlands Impact Area
- Existing Ditch Limits
- Proposed 4" Limestone (Access to Site)
- Wetland Limits
- Stations
- Proposed Ditch (Other Waters)

**PLAN:**  
**PROP. WETLANDS IMPACT AREA**

STA 3+27.89 TO 8+00  
 (SCALE: 1"=120')  
 LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
 RANGE 12 EAST, S.E. LAND DISTRICT  
 WEST OF THE MISSISSIPPI RIVER  
 PARISH OF WEST BATON ROUGE  
 STATE OF LOUISIANA  
 N 683953.66 & E 3293430.78  
 FOR

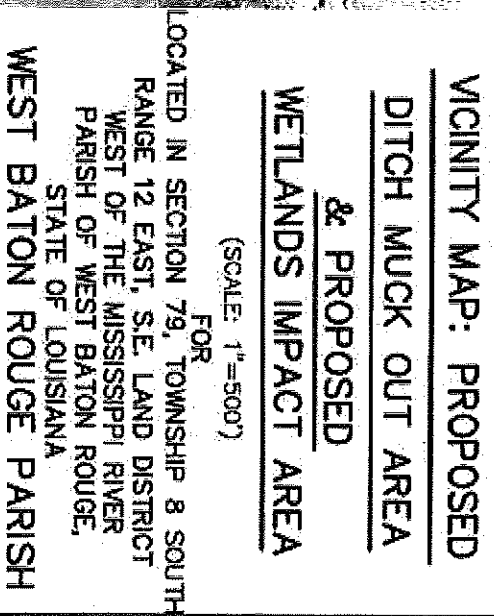
**WEST BATON ROUGE PARISH**

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& SURVEYORS**  
 INCORPORATED

4403 LA. HWY. 1 SOUTH,  
 SUITE F  
 PORT ALLEN, LA 70767  
 OFFICE: (225) 387-2187  
 FAX: (225) 388-9006



LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE,  
STATE OF LOUISIANA

(SCALE: 1"=500')

702

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH

**RANGE 12 EAST, S.E. LAND DISTRICT**

WEST OF THE MISSISSIPPI RIVER

PARISH OF WEST BATON ROUGE,

STATE OF LOUISIANA

**WEST BATON ROUGE PARISH**

## LEGEND:

## Proposed Ditch Muck Out & Wellheads Impact Areas

## Worlds Impact Across

**உயர்நீதிமன்றம் மிகவும் பிழைக்கிறது**

## Woodward-Limbs

This Plot may not be used in any other way or form without the express written permission of Peith Engineers & Surveyors, Inc. Use for any other purpose shall be at user's sole risk without any liability to Peith Engineers & Surveyors, Inc. Any User or Responder made to this drawing without the written authorization of Peith Engineers & Surveyors, Inc. WILL VOID THIS PLAT.

PEST



**PATIN ENGINEERS  
& SURVEYORS**

## INCORPORATED

4483 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE (225) 387-2187  
FAX: (225) 388-8006

Document: TDF  
 Date: 11/14/13

October 11/14/15

Job No. 13-189

Sheet 2 of 3

## APPENDIX D



DEPARTMENT OF THE ARMY  
NEW ORLEANS DISTRICT, CORPS OF ENGINEERS  
P.O. BOX 60267  
NEW ORLEANS, LOUISIANA 70160-0267

REPLY TO  
ATTENTION OF

JUN 17 2014

Operations Division  
Surveillance and Enforcement Section

Mr. Brandon Melville  
Bottomland Consulting, LLC  
2194 South Fieldspan Road  
Duson, Louisiana 70529

Dear Mr. Melville:

Reference is made to your request, on behalf of River Bottom Whitetails, LLC, for a U.S. Army Corps of Engineers' (Corps) jurisdictional determination on property located in Section 79, Township 8 South, Range 12 East, West Baton Rouge Parish, Louisiana (enclosed map). Specifically, this property is identified as a 12-acre tract located on and south of LA-989-1 (Choctaw Road) and east of Weldon Lane in Brusly, Louisiana.

Based on review of recent maps, aerial photography, and soils data, we have determined that part of the property is wetland and may be subject to Corps' jurisdiction. The approximate limits of the wetland are designated in red and orange on the map. A Department of the Army (DA) permit under Section 404 of the Clean Water Act will be required prior to the deposition or redistribution of dredged or fill material into wetlands that are waters of the United States. Additionally, a DA permit will be required if you propose to deposit dredged or fill material into other waters subject to Corps' jurisdiction. Other waters that may be subject to Corps' jurisdiction are indicated in blue on the map.

You and your client are advised that this preliminary jurisdictional determination is valid for a period of 5 years from the date of this letter unless new information warrants revision prior to the expiration date or the District Commander has identified, after public notice and comment, that specific geographic areas with rapidly changing environmental conditions merit re-verification on a more frequent basis.

Should there be any questions concerning these matters, please contact Mr. Gary Couret at (337) 291-3042 and reference our Account No. MVN-2013-02504-SC-2. If you have specific questions regarding the permit process or permit applications, please contact our Central Evaluation Section at (504) 862-2577. The New Orleans District Regulatory Branch is committed to providing quality and timely service to our customers. In an effort to improve customer service, please complete the survey on our web site at <http://per2.nwp.usace.army.mil/survey.html>.

Sincerely,

A handwritten signature in black ink, appearing to read "Martin S. Mayer", is written over a horizontal line.

Martin S. Mayer  
Chief, Regulatory Branch

Enclosures


2. Potential defendants further agree not to transfer the property in question during the pendency of this tolling agreement nor during the pendency of any civil action brought as described above, without first notifying the United States and giving the United States a reasonable opportunity to oppose such transfer.

3. Nothing in this tolling agreement shall restrict or otherwise prevent the United States from filing a complaint regarding any alleged statutory violation(s) not described above, at any time.

4. This tolling agreement does not constitute any admission of liability on the part of potential defendants; nor does it constitute any admission or acknowledgment on the part of the United States that any statute of limitations has run or that any statute of limitations is applicable to the statutory claims described above.

5. This tolling agreement contains the entire agreement between the parties, and no statement, promise or inducement made by any party to this agreement, or any agent of such parties, that is not set forth in this agreement shall be valid or binding. This tolling agreement may not be enlarged, modified or altered except in writing signed by the parties. This tolling agreement may be executed in counterparts.

FOR: United States of America

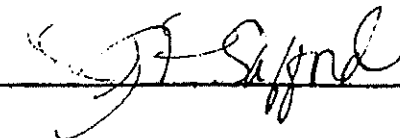
  
\_\_\_\_\_  
DENISE D. FREDERICK, District Counsel  
New Orleans District, U.S. Army Corps Of Engineers

gmc for ddf

4/21/14

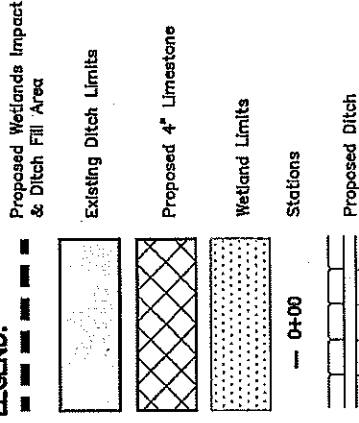
\_\_\_\_\_  
DATE

FOR: ("potential defendant(s)")

  
\_\_\_\_\_

4-21-14  
\_\_\_\_\_  
DATE

# LEGEND:



## PLAN:

### PROP. WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00

&

### PROPOSED DITCH FILL AREA

STA 0+00 TO 6+13.46

(SCALE: 1"=120')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE  
STATE OF LOUISIANA  
N 683953.66 & E 3293430.78

FOR

### RIVER BOTTOM WHITETAILS, LLC.

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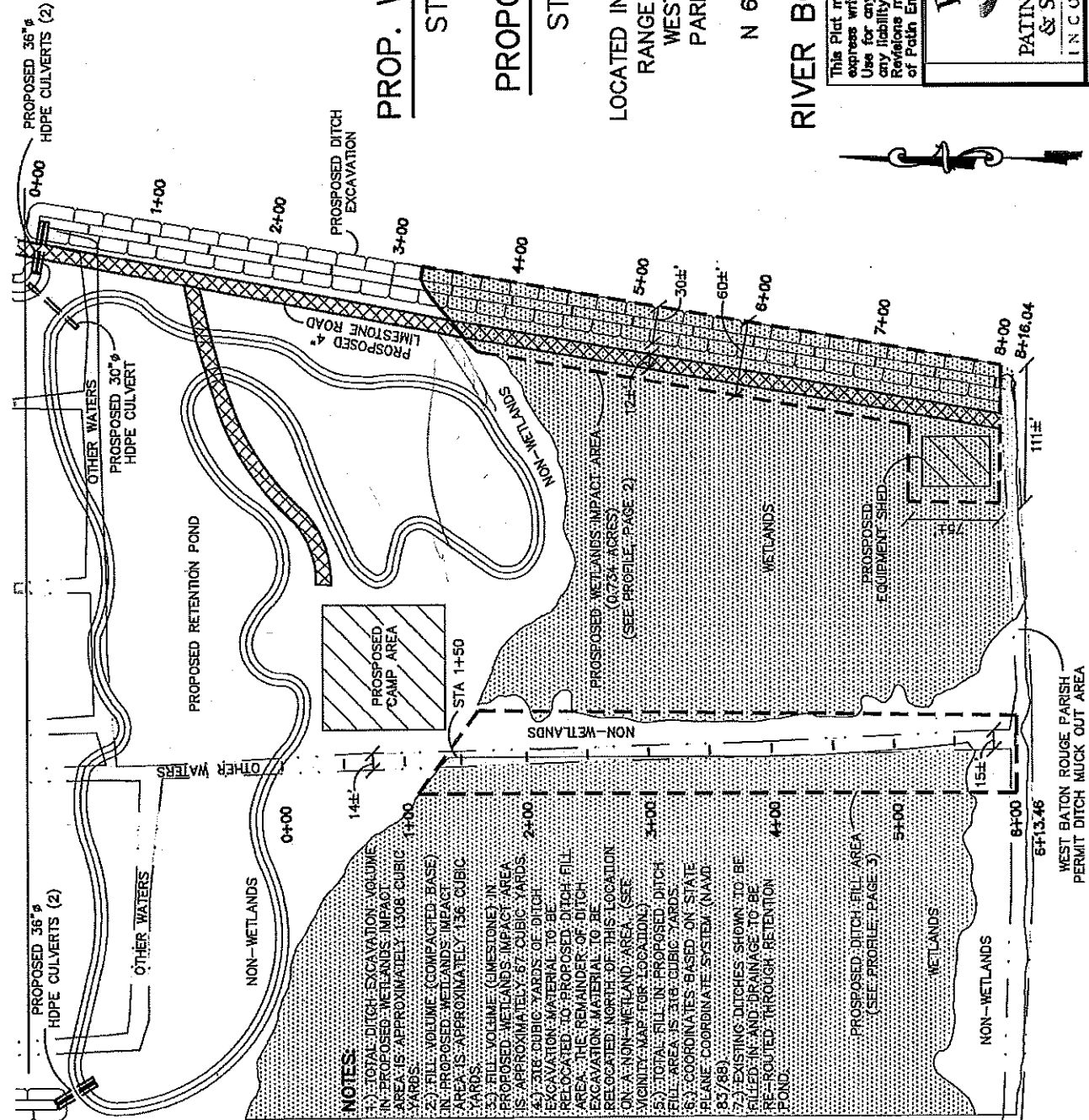
PESI



PATIN ENGINEERS  
& SURVEYORS  
INCORPORATED

4463 LA. HWY. 1 SOUTH,  
SUITE F  
PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-9006

Drawn: TDF Date: 8/5/14 Job No: 13-189 Sheet: 2/4



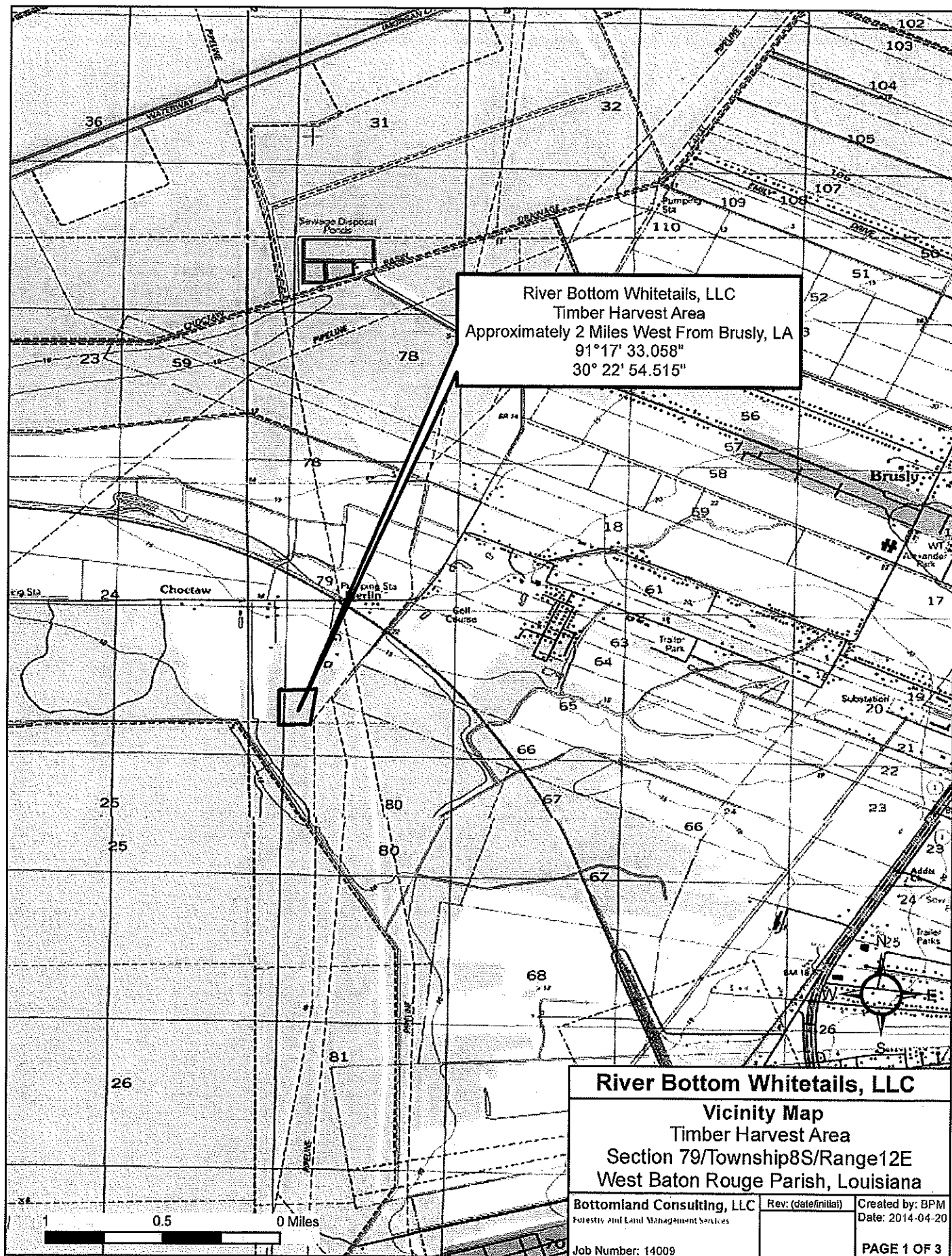
## NOTES:

- 1) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 87 CUBIC YARDS.
- 4) 318 CUBIC YARDS OF DITCH EXCAVATION MATERIAL TO BE RELOCATED TO PROPOSED DITCH FILL AREA. THE REMAINDER OF DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VIGNETTE MAP FOR LOCATION)
- 5) TOTAL FILL IN PROPOSED DITCH FILL AREA IS 316 CUBIC YARDS.
- 6) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83/88).
- 7) EXISTING DITCHES SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.

PROPOSED DITCH FILL AREA  
(SEE PROFILE: PAGE 5)

WEST BATON ROUGE PARISH  
PERMIT DITCH MUCK OUT AREA







## Mullins, Donna

---

**From:** Brandon Melville <bottomlandconsulting@gmail.com>  
**Sent:** Thursday, September 28, 2017 2:22 PM  
**To:** Mullins, Donna  
**Cc:** Jason Safford; Alton Landry  
**Subject:** FW: RBW LLC\_MVN-2014-02503-A-SA  
**Attachments:** 2016-5-18\_RBW Response to C and D Order\_Letter.pdf

Ms. Mullins,

Please see the attached response to the C & D Order that we submitted to the COE May of 2016.

I will discuss with RBW tomorrow and get back to you.

Thanks

Brandon

---

**From:** Brandon Melville [mailto:bottomlandconsulting@gmail.com]  
**Sent:** Wednesday, May 18, 2016 10:52 PM  
**To:** Heffner, Robert A MVN  
**Cc:** Gordon, Kyle MVN  
**Subject:** RBW LLC\_MVN-2014-02503-A-SA

Rob,

Please see the attached letter for the subject project.

If you have any questions, please do not hesitate contacting me.

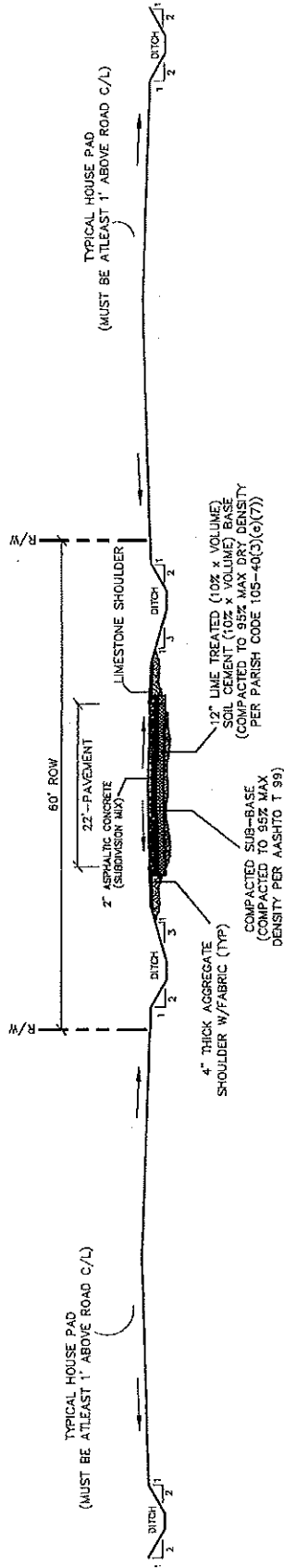
Kindest Regards

Brandon Melville, *Forester*  
2194 South Fieldspan Road  
Duson, LA 70529  
Phone: 337.849.9978  
[bottomlandconsulting@gmail.com](mailto:bottomlandconsulting@gmail.com)



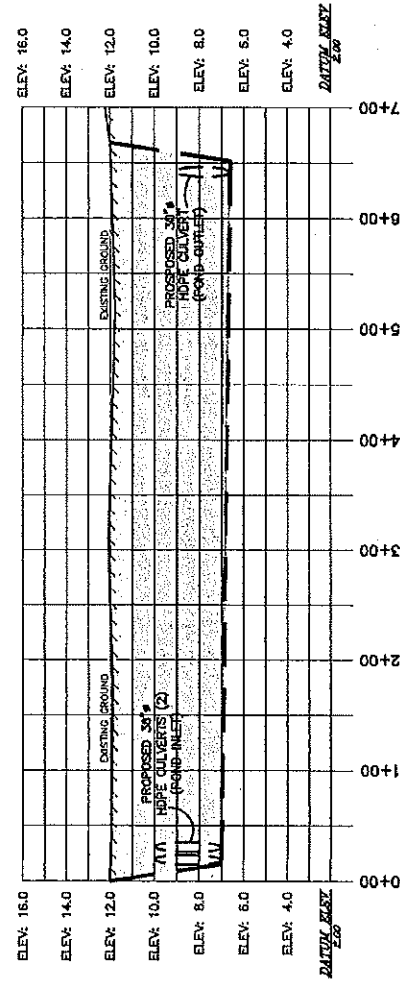
**Bottomland Consulting, LLC**  
Forestry and Land Management Services





# TYPICAL ROAD AND HOUSE PAD CROSS SECTION FOR HUNTER'S POINTE SUBDIVISION:

(SCALE: N.T.S.)



# RETENTION POND CROSS SECTION:

(SCALE: N.T.S.)

## LEGEND:



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PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-9006

Drawn: TDF Date: 11/13/14 Job No: 13-189 Sheet: 5/8

# LEGEND:

Proposed Ditch Bottom

Existing Ground

Proposed 4" Limestone

Proposed Fill (Compacted Base)

Proposed Ditch Excavation Area

Stations

— 0+00

— 0+00

— 0+00

— 0+00

— 0+00

— 0+00

— 0+00

— 0+00

— 0+00

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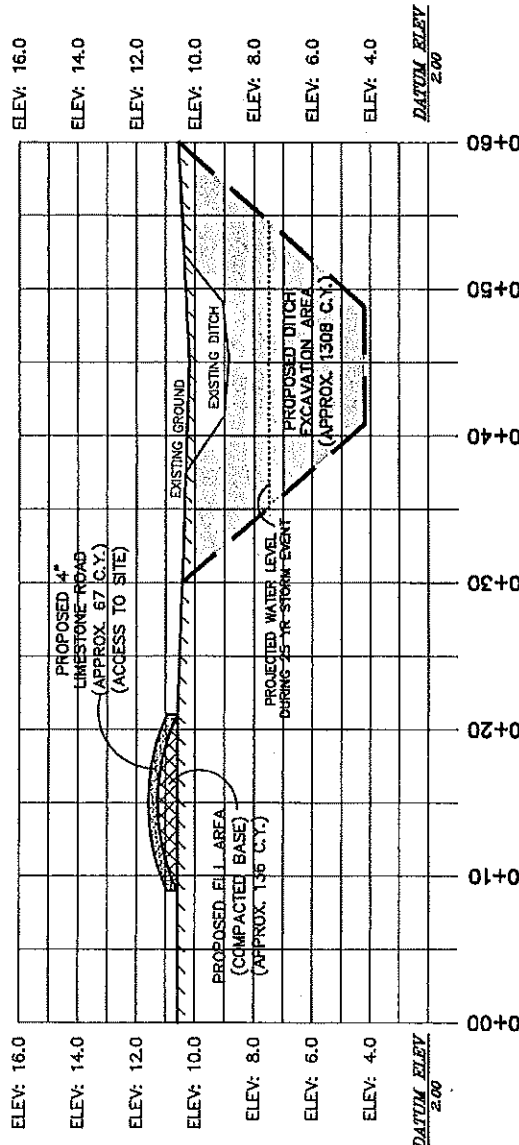
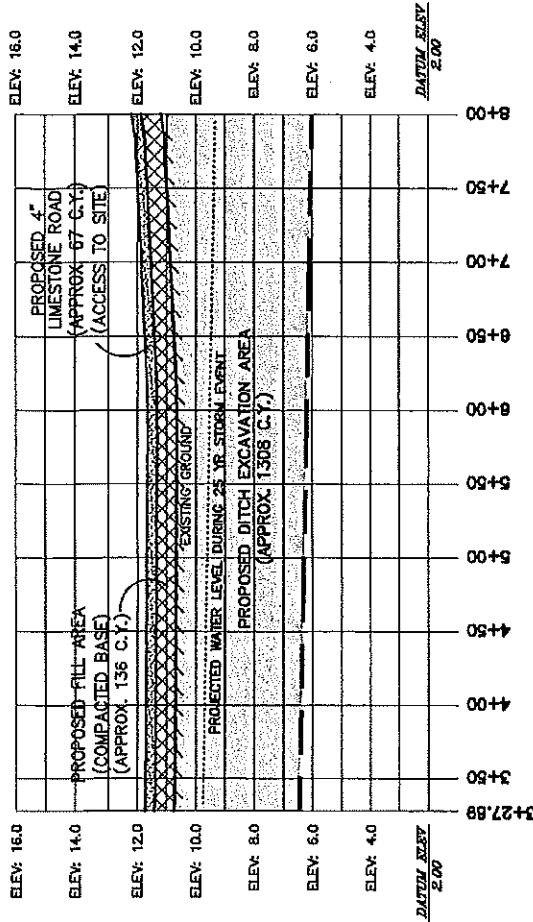
— 0+00

## NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4.) DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

## PROFILE: PROPOSED WETLANDS IMPACT AREA

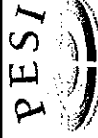
STA 3+27.89 TO 8+00  
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



## TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

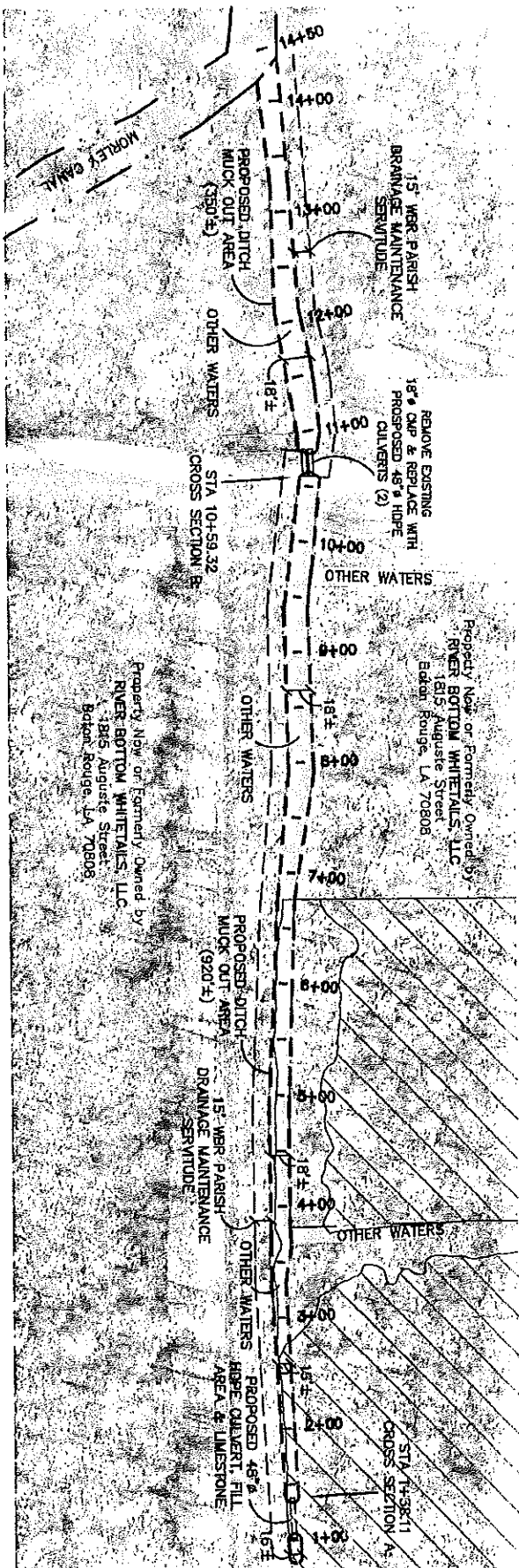
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Drawn: TDF Date: 11/13/14 Job No: 13-189 Sheet: 4/8



# PLAN: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 14+50

(SCALE: 1"=140')

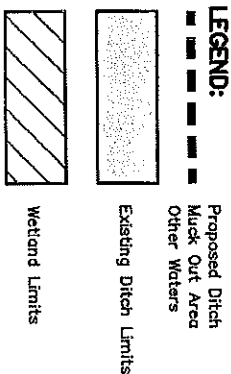
LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA

N 683953.66 & E 3293430.78

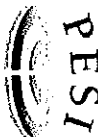
FOR

WEST BATON ROUGE PARISH

## LEGEND:



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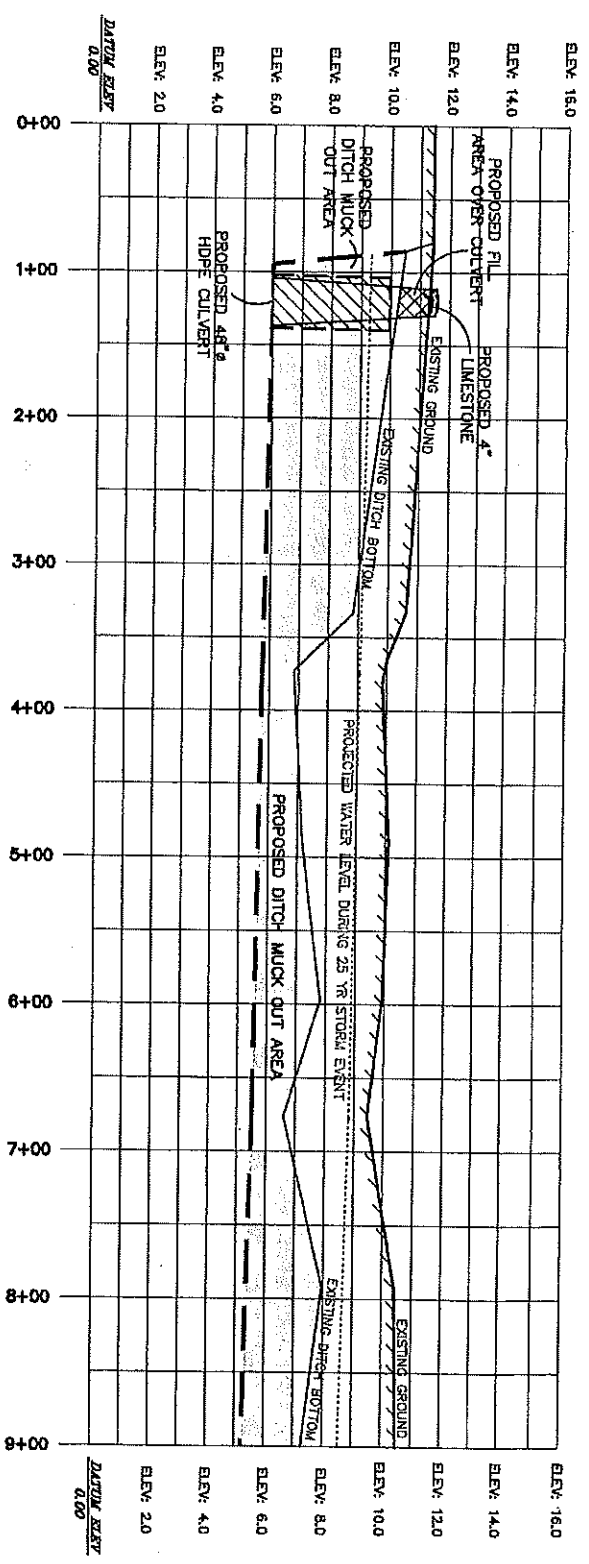
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OFFICE: (225) 387-2167  
FAX: (225) 388-9006

Drawing: TDF Date: 11/4/13 Job No: 13-189 Sheet: 5/8

## NOTES:

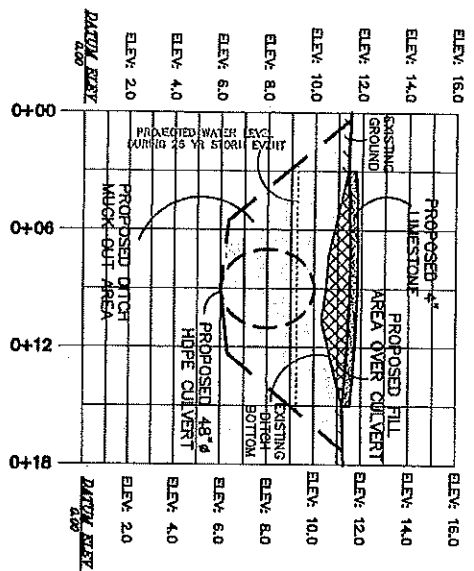
- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
- 3.) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
- 4.) DREDGED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: ESCAVATOR AND DUMP TRUCK
- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83/88).



# PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 0+00 TO 9+00

(SCALES: HORIZ: 1"=120'; VERT: 1"=6')



## CROSS SECTION A-A

STA 1+38.11

(SCALE: N.T.S.)

### NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
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- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAD 83/88).
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

### LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- Stations

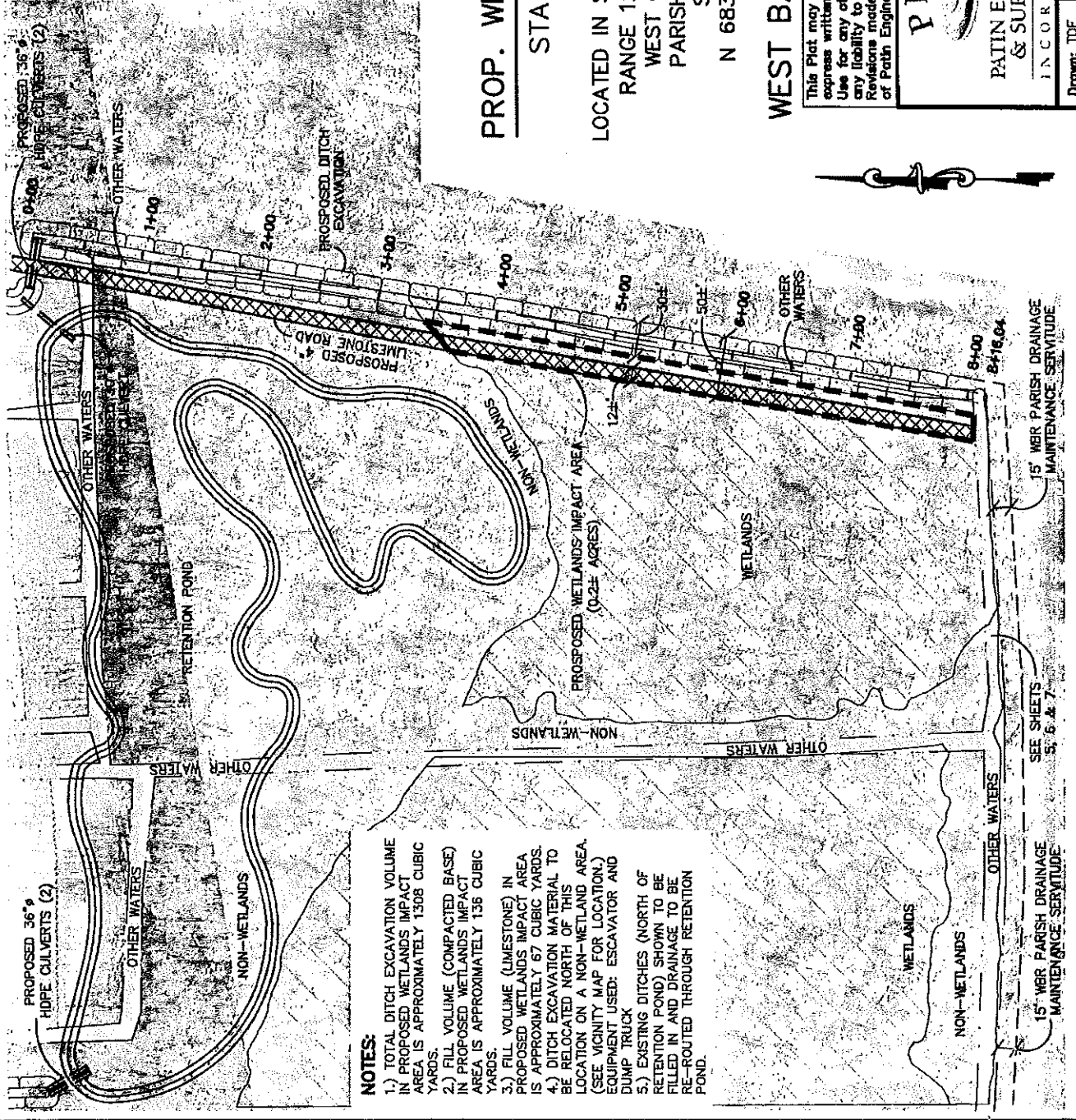
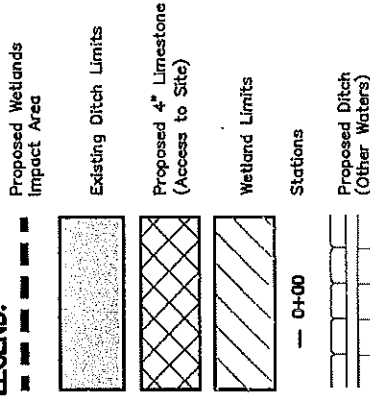


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INCORPORATED

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SUITE F  
PORT ALLEN, LA 70767  
OFFICE (225) 387-2167  
FAX (225) 388-9006

# LEGEND:



## NOTES:

- 1.) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 136 CUBIC YARDS.
- 3.) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
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- 5.) EXISTING DITCHES (NORTH OF RETENTION POND) SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.

## PLAN:

### PROP. WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00

(SCALE: 1"=120')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE  
STATE OF LOUISIANA  
N 683953.66 & E 3293430.78

FOR

### WEST BATON ROUGE PARISH

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PESI



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& SURVEYORS  
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PORT ALLEN, LA 70767  
OFFICE: (225) 387-2167  
FAX: (225) 388-8006

Drawn: TDF Date: 11/13/14 Job No: 13-189 Sheet: 3/8

# VICINITY MAP: PROPOSED DITCH MUCK OUT AREA & PROPOSED WETLANDS IMPACT AREA

(SCALE: 1"=500')

FOR  
LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH-  
RANGE 12 EAST, S.E. LAND DISTRICT  
WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE,  
STATE OF LOUISIANA  
WEST BATON ROUGE PARISH



- LEGEND:**
- Proposed Ditch Muck Out & Wetlands Impact Areas (indicated by a dashed line)
  - Existing Ditch Limits (indicated by a solid line)
  - Wetland Limits (indicated by a hatched pattern)

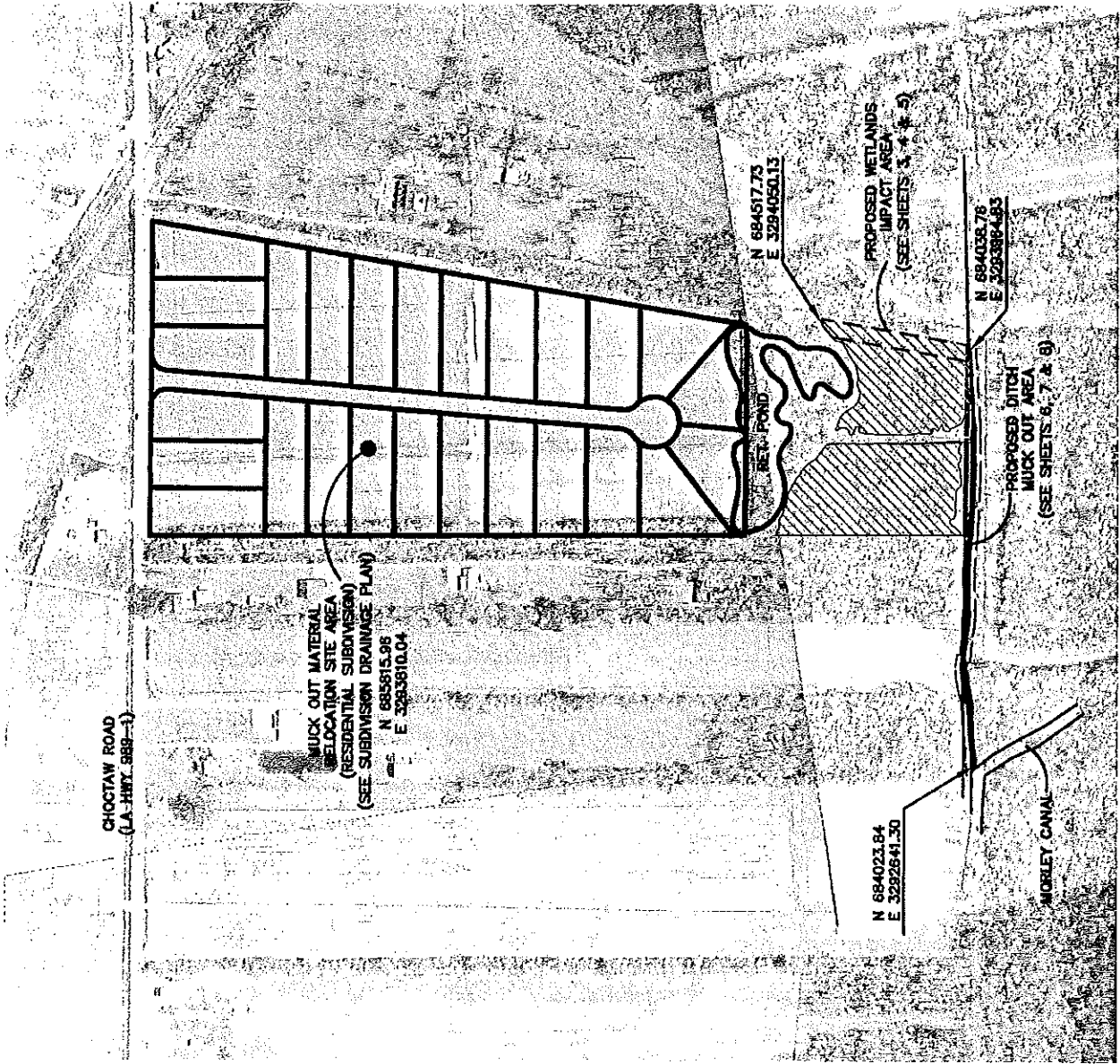
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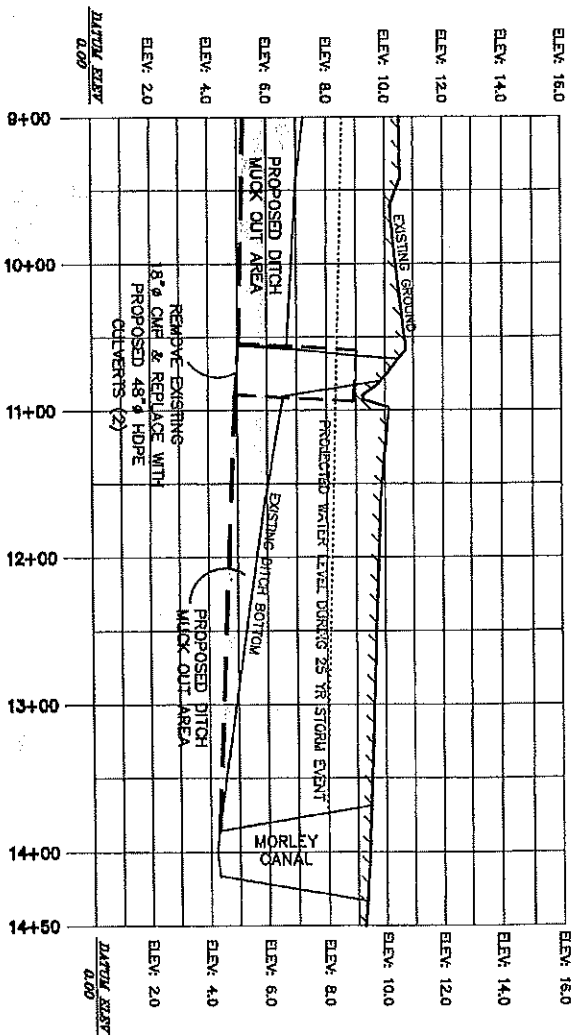


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Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet: 2/8

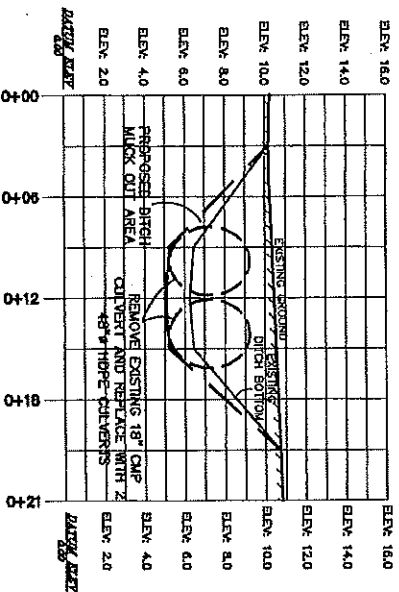




## PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 9+00 TO 14+50

(SCALES: HORIZ: 1"=120', VERT: 1"=6')



## CROSS SECTION B:

STA 10+59.32

(SCALE: N.T.S.)

### NOTES:

- 1.) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
- 2.) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
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- 5.) COORDINATES BASED ON STATE PLANE COORDINATE SYSTEM (NAVD 83/88).
- 6.) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROJECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.

### LEGEND:

- Proposed Ditch Bottom
- Existing Ground
- Proposed Fill
- Proposed Culvert
- Proposed Muck Out Area
- Stations

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ENGINEERS  
& SURVEYORS  
INCORPORATED

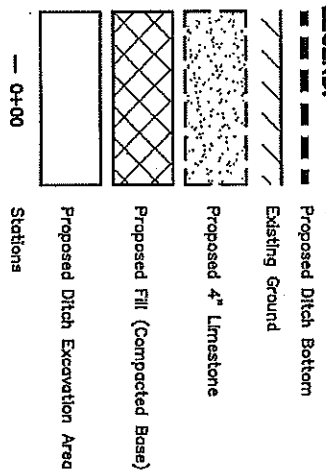
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SUITE F  
PORT ALLEN, LA 70767  
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FAX: (225) 388-9006

Drawn: TDF Date: 11/14/13 Job No: 13-189 Sheet 8/8



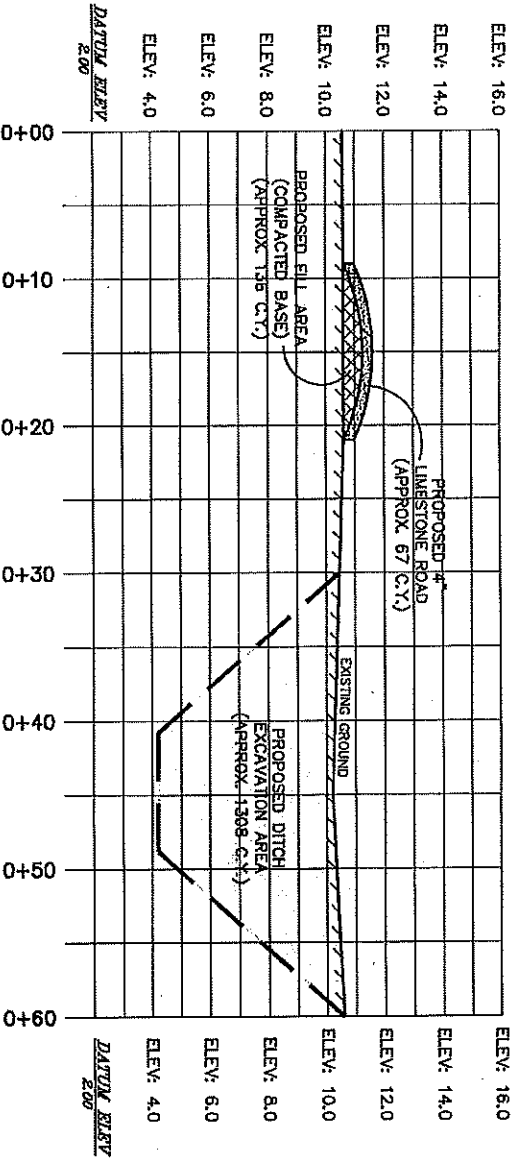


# LEGEND:



## NOTES:

- 1) TOTAL DITCH EXCAVATION VOLUME IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 1308 CUBIC YARDS.
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- 3) FILL VOLUME (LIMESTONE) IN PROPOSED WETLANDS IMPACT AREA IS APPROXIMATELY 67 CUBIC YARDS.
- 4) 318 CUBIC YARDS OF DITCH EXCAVATION MATERIAL TO BE RELOCATED TO PROPOSED DITCH FILL AREA. THE REMAINDER OF DITCH EXCAVATION MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.)
- 5) TOTAL FILL IN PROPOSED DITCH FILL AREA IS 318 CUBIC YARDS.
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- 7) EXISTING DITCHES SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.

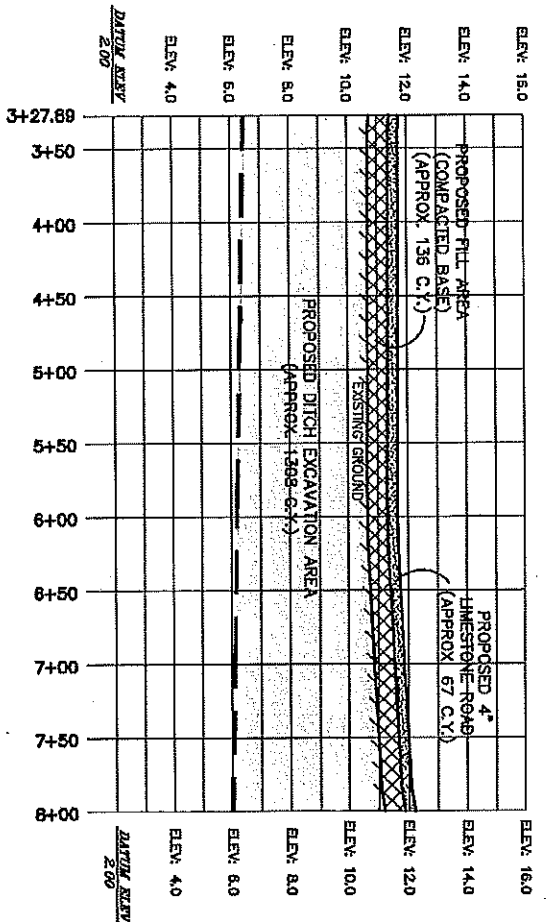


## TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

## PROFILE: PROPOSED WETLANDS IMPACT AREA

STA 3+27.89 TO 8+00  
(SCALES: HORIZ: 1"=120', VERT: 1"=6')



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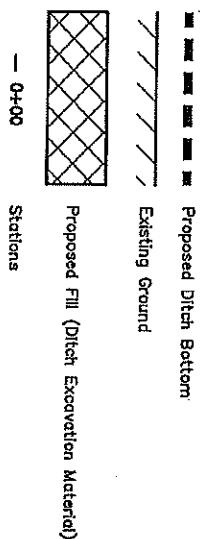
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FAX (225) 388-9006

Drawn: TDF Date: 8/5/14

Job No: 13-189

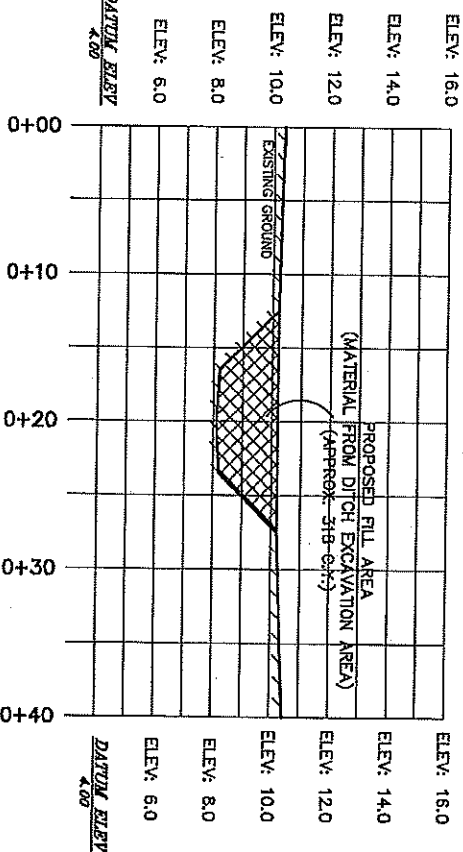
Sheet 3/4

# LEGEND:



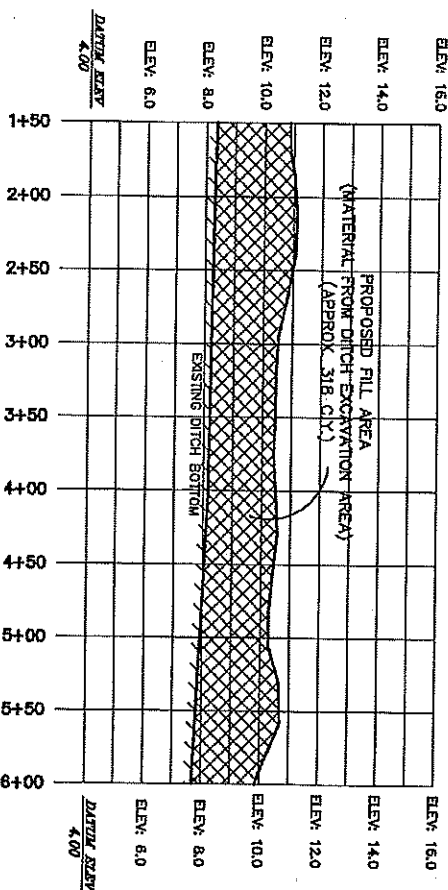
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- 7.) EXISTING DITCHES SHOWN TO BE FILLED IN AND DRAINAGE TO BE RE-ROUTED THROUGH RETENTION POND.



## TYPICAL CROSS SECTION:

(SCALE: N.T.S.)

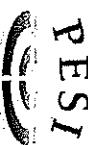


## PROFILE: PROPOSED DITCH FILL AREA

STA 1+50 TO 6+00

(SCALES: HORIZ: 1"=120', VERT: 1"=6')

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FAX: (225) 388-9006

Drawn: TDF Date: 8/5/14

Job No: 13-189

Sheet 4/4

NOT PART OF  
DETERMINATION

NOT PART

AGRICULTURE FIELD

Tract = ±38 Acres

FORESTED AREA

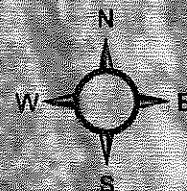
PLOT 1

PLOT 2

OTHER WATERS

NOT PART

**PRELIMINARY**  
JURISDICTIONAL DETERMINATION



DAVID MVN-2013-02504-SC-2

**USACE** Acct. No. MVN-2013-02504-SC-1

0 150 300 600 900 1,200 Feet

For B. Melyville, with consultant's field data obo JS Enterprises  
Section 79, T8S, R12E, W. Baton Rouge Parish, LA  
Sv 2-5-14, fh 5-28-14 gmc, Lat. 30.384549, Long. -91.292273

### Legend

- Wetland Delineation Plot

Jason Safford Enterprises, LLC Boundary

Other Waters-SEC. 404 Nonwetland

Esri, DigitalGlobe, GeoEye, i  
the GIS User Community

**Jason Safford Enterprises, LLC**

**Wetland Detail**  
Proposed Development  
Section 79/Township8S/Range12E  
West Baton Rouge Parish, Louisiana

**Bottomland Consulting, LLC**  
Forestry and Land Management Services

Rev: (date/initial)

Created by: BPM  
Date: 2014-04-20

Job Number: 14009

PAGE 3 OF 3

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office New Orleans District File/ORM # MVN-2013-02504-SC-1 PJD Date: May 28, 2014

State LA City/County Brusly/West Baton Rouge Parish

Nearest Waterbody: Port Allen Canal & Bayou Bourbeaux

Location: TRS, Lat/Long or UTM: Section 79, Township 8 South, Range 12 East  
Lat. 30.384549, Long. -91.292375

Name/ Address of Person Requesting PJD  
Mr. Brandon Melville  
Bottomland Consulting, LLC  
2194 South Fieldspan Road  
Duson, Louisiana 70529  
obo JS Enterprises

Identify (Estimate) Amount of Waters in the Review Area:

Non-Wetland Waters:

700 linear ft width acres Stream Flow: Intermittent

Wetlands: 0 acre(s) Cowardin Class: N/A

Name of Any Water Bodies on the Site Identified as Section 10 Waters: Tidal:                       
Non-Tidal:                     

☒ Office (Desk) Determination  
☐ Field Determination:                     

Date of Field Trip:                     

**SUPPORTING DATA:** Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:                     

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

☐ Office concurs with data sheets/delineation report.

☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps

☐ Corps navigable waters' study:                     

☐ U.S. Geological Survey Hydrologic Atlas:

☐ USGS NHD data.

☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite quad name: 1:24,000, Lobdell

☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS

☐ National wetlands inventory map(s). Cite name:                     

☐ State/Local wetland inventory map(s):                     

☐ FEMA/FIRM maps:                     

☐ 100-year Floodplain Elevation is:                     

☒ Photographs: ☒ Aerial (Name & Date): SONRIS, Google, 08, 04, 07, 08, 12 & 13

☒ Other (Name & Date): Consultant's field report photos dated April 5, 2014

☐ Previous determination(s). File no. and date of response letter:                     

☐ Other information (please specify):                     

**IMPORTANT NOTE:** The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

                     5/28/14  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

Mr. Melville requested a Preliminary JD

May 27, 2014

Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

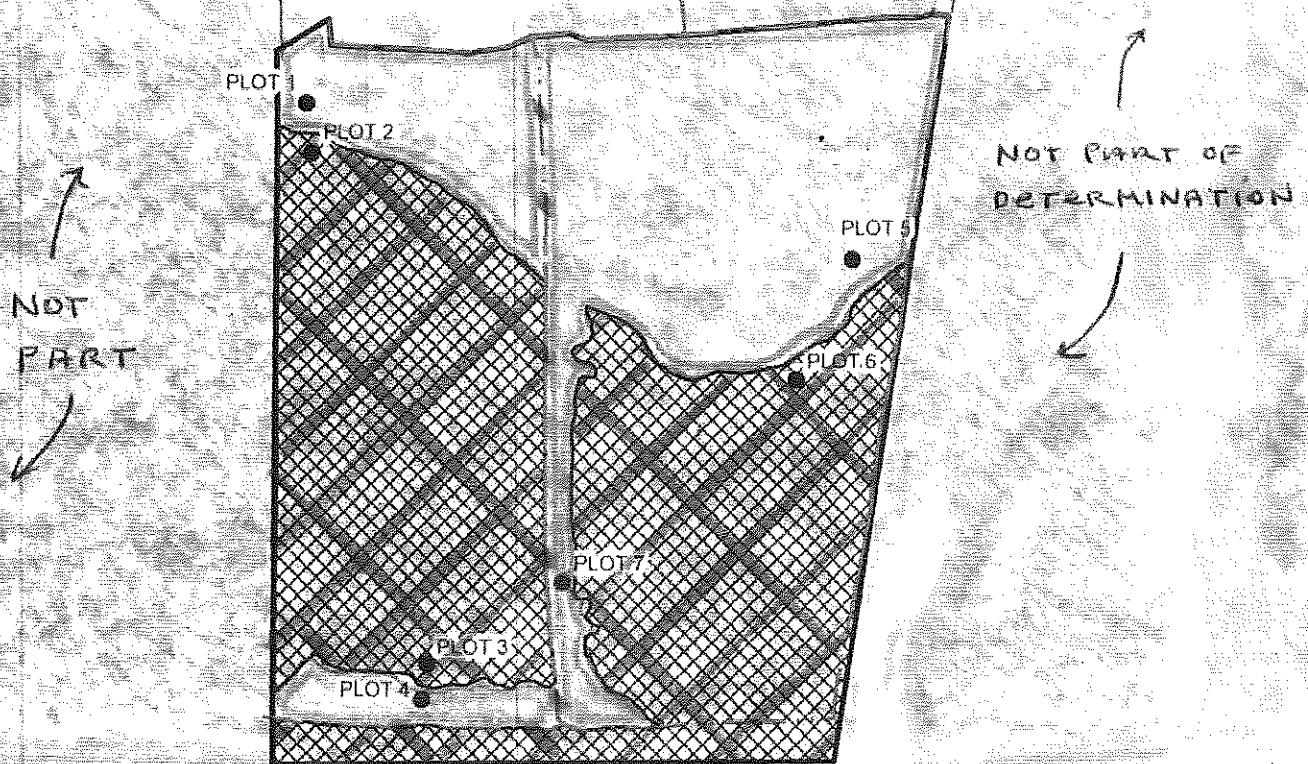
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2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "preconstruction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.



MVN-2013-02504-SC-1

## PRELIMINARY JURISDICTIONAL DETERMINATION



**USACE Acct. No. MVN-2013-02504-SC-2**

12-acre tract. Unauthorized activities in wetlands/waters.

For B. Melville, with consultant's field data obo

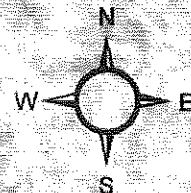
River Bottom Whitetails, LLC

Section 79, T8S, R12E, W. Baton Rouge Parish, LA

fsv 2-5-14, lh 6-9-14 gmc, Lat. 30.38193, Long. -91.29253

Wetland Acres = 6.9

Upland Acres = 5.1



0 100 200 400 Feet

### Legend

● Wetland Delineation Plots

Wetlands (Sec. 404)

UNAUTHORIZED  
ACTIVITY IN WETLAND  
& WATERS

RBW, LLC Boundary

Other Waters (Sec. 404)

NON-  
WETLAND

Source: Esri, D  
Aerogrid, IGN.

### River Bottom Whitetails, LLC

#### Wetland Detail

Timber Harvest Area

Section 79/Township 8S/Range 12E

West Baton Rouge Parish, Louisiana

Bottomland Consulting, LLC

Rev: (date/initial)

Created by: (date/initial)

Project: (date/initial)

Date: (date/initial)

Job Number

PAGE 3 OF 3

## PRELIMINARY JURISDICTIONAL DETERMINATION FORM

This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

District Office	New Orleans District	File/ORM #	MVN-2013-02504-SC-2	PJD Date:	Jun 10, 2014
State	LA	City/County	Brusly/West Baton Rouge Parish	Name/Address of Person Requesting PJD	Mr. Brandon Melville Bottomland Consulting, LLC 2194 South Fieldspan Road Duson, Louisiana 70529 obo River Bottom Whitetails, LLC
Nearest Waterbody:	Port Allen Canal & Bayou Bourbeaux				
Location: TRS, Lat/Long or UTM:	Section 79, Township 8 South, Range 12 East Lat. 30.381934, Long. -91.292530				
Identify (Estimate) Amount of Waters in the Review Area:		Name of Any Water Bodies on the Site Identified as Section 10 Waters:			
Non-Wetland Waters:		Tidal:			
2800 linear ft width acres		Intermittent			
Wetlands: 6.9 acre(s) Cowardin Class: Palustrine, forested		Non-Tidal:			
		<input checked="" type="checkbox"/> Office (Desk) Determination <input checked="" type="checkbox"/> Field Determination: Date of Field Trip: Mar 21, 2014			

**SUPPORTING DATA:** Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

- ☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: \_\_\_\_\_
- ☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.
  - ☐ Office concurs with data sheets/delineation report.
  - ☐ Office does not concur with data sheets/delineation report.
- ☐ Data sheets prepared by the Corps \_\_\_\_\_
- ☐ Corps navigable waters' study: \_\_\_\_\_
- ☐ U.S. Geological Survey Hydrologic Atlas:
  - ☐ USGS NHD data.
  - ☐ USGS 8 and 12 digit HUC maps.
- ☒ U.S. Geological Survey map(s). Cite quad name: 1:24,000, Lobdell
- ☒ USDA Natural Resources Conservation Service Soil Survey. Citation: NRCS WSS
- ☐ National wetlands inventory map(s). Cite name: \_\_\_\_\_
- ☐ State/Local wetland inventory map(s): \_\_\_\_\_
- ☐ FEMA/FIRM maps: \_\_\_\_\_
- ☐ 100-year Floodplain Elevation is: \_\_\_\_\_
- ☒ Photographs: ☒ Aerial (Name & Date): SONRIS, Google, 98, 04, 07, 08, 12 & 13
  - ☒ Other (Name & Date): Consultant's field report photos dated April 5, 2014
- ☐ Previous determination(s). File no. and date of response letter: \_\_\_\_\_
- ☒ Other information (please specify): Unauthorized activities on this tract.

**IMPORTANT NOTE:** The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

  
Signature and Date of Regulatory Project Manager  
(REQUIRED)

Mr. Melville requested a Preliminary JD  
May 27, 2014

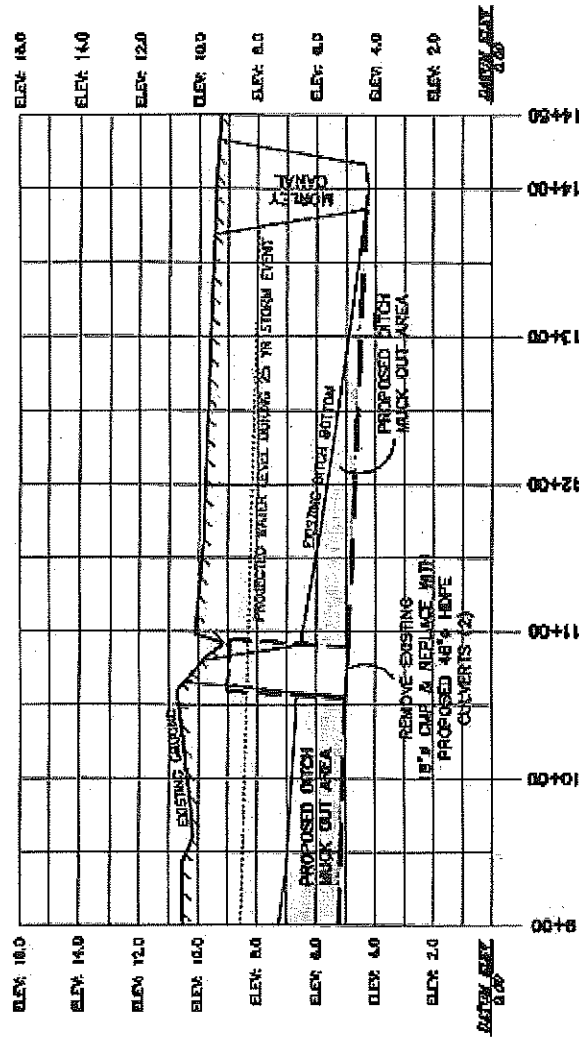
Signature and Date of Person Requesting Preliminary JD  
(REQUIRED, unless obtaining the signature is impracticable)

### EXPLANATION OF PRELIMINARY AND APPROVED JURISDICTIONAL DETERMINATIONS:

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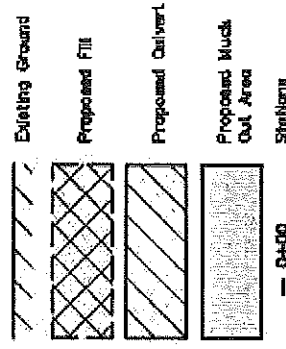




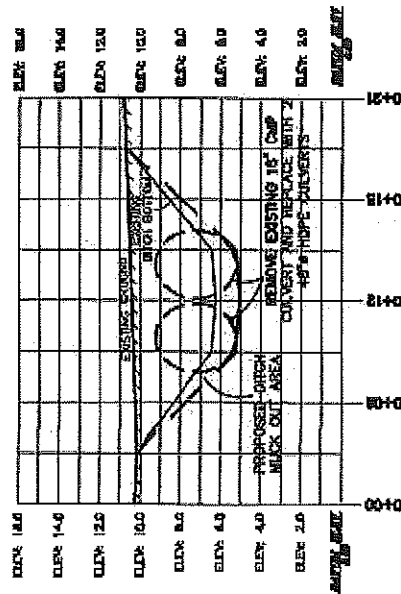
# PROFILE: PROPOSED DITCH MUCK OUT AREA

STA 9+00 TO 14+50  
(SCALES: HORIZ: 1"=120', VERT: 1"=6')

LEGEND:



- NOTES:**
- 1) TOTAL MUCK OUT VOLUME IS APPROXIMATELY 1800 CUBIC YARDS.
  - 2) FILL VOLUME (COMPACTED BASE) IS APPROXIMATELY 17 CUBIC YARDS AT CROSS SECTION A.
  - 3) FILL VOLUME (LIMESTONE) IS APPROXIMATELY 6 CUBIC YARDS AT CROSS SECTION A.
  - 4) ORDERED MATERIAL TO BE RELOCATED NORTH OF THIS LOCATION ON A NON-WETLAND AREA. (SEE VICINITY MAP FOR LOCATION.) EQUIPMENT USED: EXCAVATOR AND DUMP TRUCK SYSTEM (MAYO 83/88).
  - 5) EXISTING DITCHES ARE USUALLY DRY EXCEPT FOR WHEN SIGNIFICANT RAINFALL HAS OCCURRED. WHEN THIS HAPPENS, WATER OCCASIONALLY FILLS THE DITCHES AND FLOODS THE ADJACENT PROPERTIES. PROTECTED WATER LEVELS FOR POST CONSTRUCTION OF SUBDIVISION ARE SHOWN IN PROFILES AND CROSS SECTIONS. THESE WATER LEVELS WILL NOT BE CONSTANT AND THE DITCHES WILL RETURN TO A DRY STATE ONCE ALL WATER HAS BEEN DRAINED.



# CROSS SECTION B:

STA 10+59.32  
(SCALE: N.T.S.)

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PATIN ENGINEERS  
& SURVEYORS  
INCORPORATED

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PORT ALLEN, LA 70787  
OFFICE: (225) 367-2187  
FAX: (225) 368-8008

Drawn: TDF Date: 11/14/13 Job: M13-169 Sheet: 8/8



>> Subject: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>>

>> Brandon,

>> Following Gary Couret's retirement earlier this year, a handful of his unresolved violations were recently reassigned to a few of us in the Enforcement Section. One of those violations happened to be one you were the agent for (MVN-2014-02503-SA). It appears you also worked on the JD (MVN-2013-02054-SC) and the subsequent drainage project permit (MVN-2014-01999-CM).

>>

>> To fully resolve the non-drainage project violations associated with this property, it appears that your client has decided to restore the remainder of the cleared wetlands. Since it also appears, that the original intent of the clearing was for timber operations, this site could be planted or allowed to self-restore for future timbering operations. If this is the case, the clearing could potentially qualify for the Clean Water Act's silviculture exemption. To qualify for this exemption, we'll need to be assured that the clearing (excluding the clearing associated with the drainage project) was for timbering purposes only, that the site will be restored (or allowed to restore), and that the site will remain a silviculture operation with another future harvest. We'll also need to be assured that the shed and limestone road that were proposed in the initial permit application dated August 11, 2014 have not and will not be constructed in the wetland area.

>>

>> If you or your clients have any questions, feel free to email me or give me a call at my direct line below.

>>

>> Kyle Gordon

>> Botanist

>> U.S. Army Corps of Engineers

>> New Orleans District

>> 504.862.1627

>> kyle.b.gordon@usace.army.mil

>

>

>

> Brandon,

> Thanks for the information and thanks for getting back with me. I also emailed Jason Safford, so I'll let you know if I hear something from him first.

>

> The Angelle Industries application is being reviewed by Johnny Duplantis. He can be reached at 504-862-2548 or johnny.j.duplantis@usace.army.mil.

>

> Kyle Gordon

> Botanist

> U.S. Army Corps of Engineers

> New Orleans District

> 504.862.1627

> kyle.b.gordon@usace.army.mil

>

>

> -----Original Message-----

> From: Brandon Melville [mailto:bottomlandconsulting@gmail.com]

> Sent: Tuesday, December 01, 2015 11:55 AM

> To: Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil>

> Subject: [EXTERNAL] Re: River Bottom Whitetails Violation (MVN-2014-02503-SA)

>

> Kyle-

>

> I am waiting to hear from the client. He was out of town on a hunting trip. We are supposed to convene when he returns. It's been a while so I would like to find out all that they have done or plan to do regarding this matter. I'll send you the information as soon as possible.

>

> Also, I have a permit application for Angelle Industries that was submitted a while ago. Can you find out for me who is the analyst working on it? It is located in Butte Larose.

>

>

>

> Sent from my iPhone

>

>> On Dec 1, 2015, at 11:12 AM, Gordon, Kyle MVN <Kyle.B.Gordon@usace.army.mil> wrote:

>>

>> Brandon,

>> Just checking to see if you have any updates to my email below. Thank you.

>>

>> Kyle Gordon

>> Botanist

>> U.S. Army Corps of Engineers

>> New Orleans District

>> 504.862.1627

>> kyle.b.gordon@usace.army.mil

>>

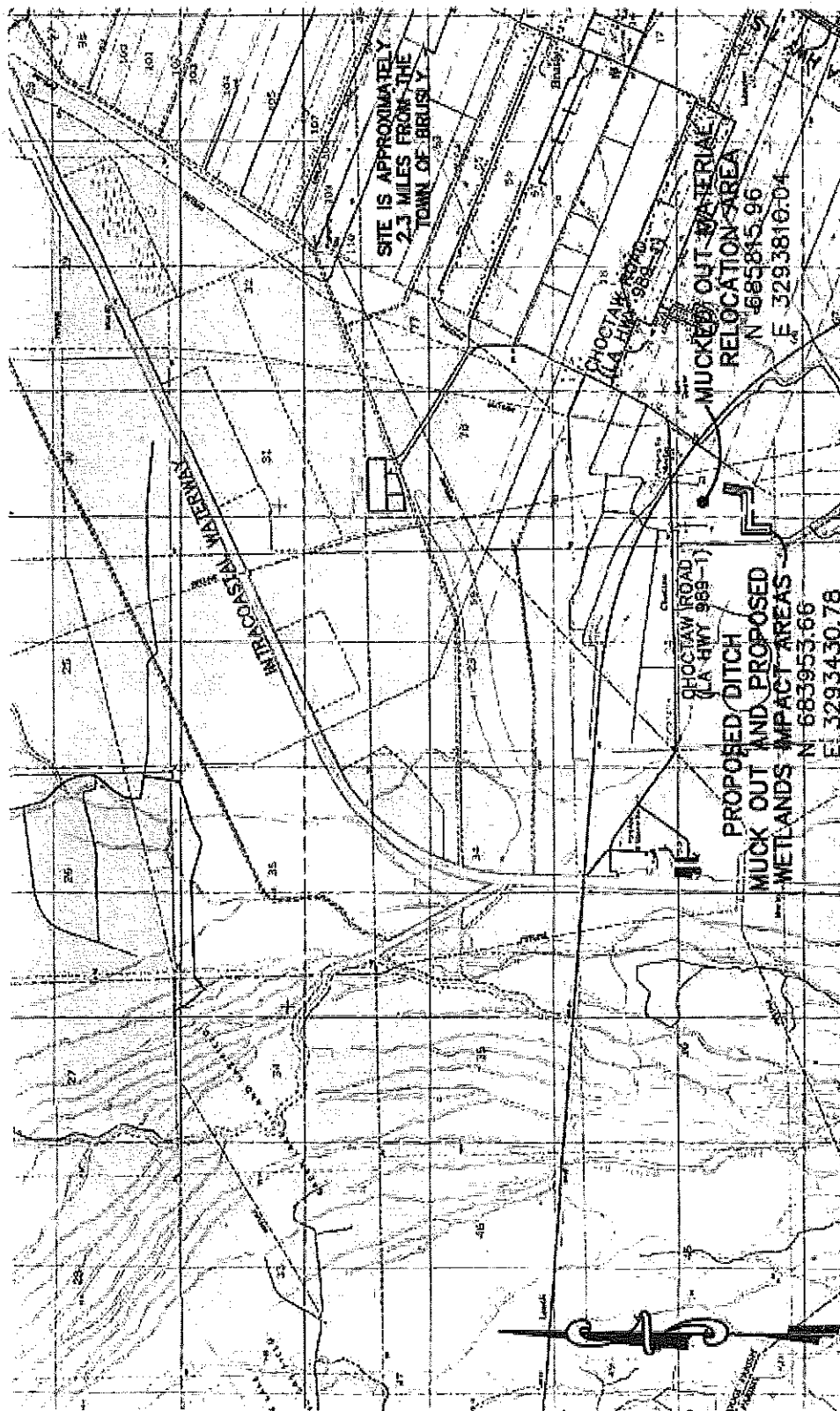
>>

>> -----Original Message-----

>> From: Gordon, Kyle MVN

>> Sent: Tuesday, November 17, 2015 8:56 AM

>> To: 'bottomlandconsulting@gmail.com' <bottomlandconsulting@gmail.com>



# VICINITY MAP: PROPOSED DITCH MUCK OUT AREA & PROPOSED WETLANDS IMPACT AREA

(SCALE: 1"=4000')

LOCATED IN SECTION 79, TOWNSHIP 8 SOUTH, RANGE 12 EAST  
SOUTHEASTERN LAND DISTRICT, WEST OF THE MISSISSIPPI RIVER  
PARISH OF WEST BATON ROUGE, STATE OF LOUISIANA  
FOR

WEST BATON ROUGE PARISH

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SUITE F  
PORT ALLEN, LA 70767  
OFFICE (225) 387-2167  
FAX (225) 388-8006

Drawn: TDF Date: 11/13/14 Job: Noc 13-189 Sheet: 1/8

**SPECIAL CONDITIONS: MVN-2014-01999-CM**

7. The Chitimacha Tribe of Louisiana has stated that the project area is part of the aboriginal Chitimacha homelands. If, during the course of work at the site, prehistoric and/or historic aboriginal cultural materials are discovered, the permittee will contact the Chitimacha Tribe of Louisiana at Post Office Box 661, Charenton, Louisiana 70523, and the New Orleans District Corps of Engineers, Regulatory Branch (CEMVN). CEMVN will initiate the required federal, state, and tribal coordination to determine the significance of the cultural materials and the need, if applicable, for additional cultural resource investigations.
8. Construction activities shall not cause more than minimal and temporal water quality degradation of any adjacent wetland, stream, or water body. Appropriate erosion and siltation controls must be utilized during construction to prevent sediment runoff into adjacent wetlands and waterways. Sediment control techniques could include but are not limited to the use of secured hay bales, sediment fencing, wooden or vinyl barriers, and/or seeding of disturbed areas. These structures should be maintained in effective operating condition until sediments are stabilized by vegetation and other impervious surfacing.
9. The permittee shall limit clearing, excavation and the temporary placement of fill material to areas essential to the project. The remainder of the property shall be left in its natural state. If the proposed project requires any additional work not expressly permitted herein, the permittee must obtain an amendment to this authorization prior to commencement of work.
10. Issuance of this permit confirms that CEMVN, Regulatory Branch has been provided with written notification from Cypress Knee Ranch, LLC that the applicant has contracted for 0.5 acre of cypress swamp at Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank. Cypress Knee Ranch, LLC has assumed responsibility for completing the mitigation in accordance with the Bayou Grand Coteau Addendum 1-Coastal Mitigation Bank Mitigation Banking Instrument and has recorded the allocation of the mitigation required by this permit in the Regulatory In-lieu Fee and Bank Information Tracking System (RIBITS).
11. Many local governing bodies have instituted laws and/or ordinances in order to regulate fill activities in floodplains to assure maintenance of floodwater storage capacity and avoid disruption of drainage patterns that may affect surrounding properties. Your project involves placement of fill, therefore, you must contact the local municipal and/or parish governing body regarding potential impacts to floodplains and compliance of your authorized activities with local floodplain ordinances, regulations, or permits.
12. The permittee shall maintain the culverts associated with this project to ensure that existing flow of surface water is uncompromised.